

AQTF Audit Report - Continuing Conditions of Registration

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Melissa Mahoney Legal College - # NTIS 31363

 TRIM: 10/185641
 Version 3 – 2 November 2010
 Training and International Quality

RTO details			
Legal name	Melissa Mahoney Recruitment Pty Ltd	Registration expiry	20 July 2011
RTO contact	Melissa Mahoney	Phone	1300 756662
Audit team			
Lead auditor	Sherree Price		
Phone	3235 4663	E-mail	sherree.price@deta.qld.gov.au
Audit details			
Audit number	31363 4A	Conditions audited	1 - 9
Other audit notes	<ul style="list-style-type: none"> Spoke to Melissa Mahoney for clarification on 18 May 2011 		
Audit date	Audit outcome on day of audit	<input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Significant non-compliance	<input type="checkbox"/> Minor non-compliance <input type="checkbox"/> Critical non-compliance
Rectification received	Audit outcome following rectification	<input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Significant non-compliance	<input type="checkbox"/> Minor non-compliance <input type="checkbox"/> Critical non-compliance
Audit advice			
Recommendation	<input type="checkbox"/> Approve application <input type="checkbox"/> Refer to site visit <input type="checkbox"/> Refer to RME		
Strengths			
Opportunities for improvement			

Condition 1 - Governance

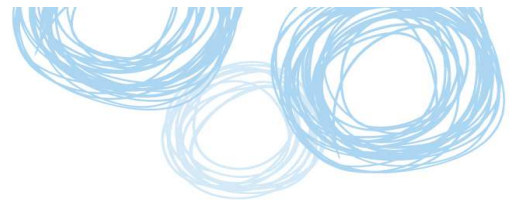
 At time of audit: Compliant Not Compliant

Description of evidence sighted:

- Fit and Proper Person declaration for CEO, Melissa Kaye Mahoney
- Staff profile form/induction checklist, including roles and responsibilities for the CEO, from the Quality Manual
- Outline of quality assurance process, including an education forum held monthly, from the Quality Manual
- Minutes of weekly staff meeting – 18 October 2010

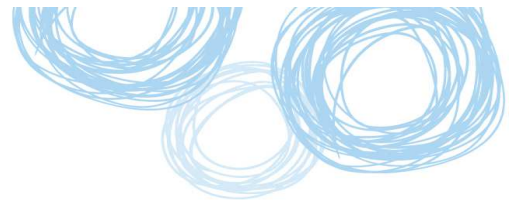
Evidence checklist:

Evidence provided confirms:	Y	N
<ul style="list-style-type: none"> The RTO's Chief Executive must ensure that the RTO complies with the AQTF <i>Essential Conditions and Standards for Continuing Registration</i> and any national guidelines approved by the National Quality Council or its successors. This applies to all of the operations within the RTO's scope of registration, as listed on the National Training Information Service. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> The RTO's senior officers and directors or substantial shareholders who are in a position to influence the management of the organisation must satisfy fit and proper person requirements unless these requirements have already been met through other legislative provisions. [These are the people identified in section 2.1 of the RTO 1(b) form. Each of these people has completed and declared the RTO 4 form - Fit and proper person requirements declaration.] 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> The RTO must also explicitly demonstrate how it ensures the decision making of senior management is informed by the experiences of its trainers and assessors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Condition 2 – Interactions with the Registering Body		
At time of audit:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> Staff profile form/induction checklist, including roles and responsibilities, for CEO (from the Quality Manual) 		
Evidence checklist:		
Evidence provided confirms:		Y N
<ul style="list-style-type: none"> The RTO's Chief Executive must ensure that the RTO cooperates with its registering body: <ul style="list-style-type: none"> a. in the conduct of audits and in the monitoring of its operations b. by providing accurate and timely data relevant to measures of its performance c. by providing timely information about significant changes to its operations d. by providing timely information about significant changes to its ownership e. in the retention, archiving, retrieval and transfer of records consistent with its registering body's requirements f. by providing a statement demonstrating its financial viability, and/or its annual financial statements, and/or a business plan on request of the registering body. 		<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>

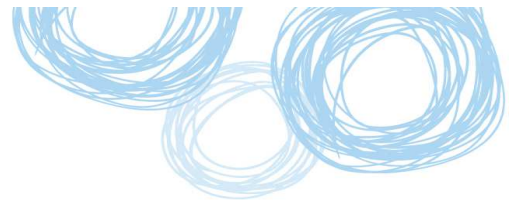
Condition 3 – Compliance with Legislation		
At time of audit:	<input type="checkbox"/> Compliant	<input checked="" type="checkbox"/> Not Compliant
Following rectification:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> Email from DET confirming attendance for Melissa Mahoney and Xanthe Cushing at "Key Changes to the AQTF" seminar, dated 23 June 2010 Statement of Attendance for Xanthe Cushing at ACPET workshop "Roles and Responsibilities of Trainers", dated 5 November 2009 		
Evidence checklist:		
Evidence provided confirms:		Y N
<ul style="list-style-type: none"> The RTO must comply with relevant Commonwealth, State or Territory legislation and regulatory requirements that are relevant to its operations and its scope of registration. It ensures its staff and clients are fully informed of these requirements that affect their duties or participation in vocational education and training. 		<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Summary of non-compliances		
<ul style="list-style-type: none"> There is no evidence of the how the RTO identifies and ensures compliance with legislation and regulatory requirements which may be relevant to the RTO operations and/or scope of registration There is no evidence to demonstrate how the RTO informs staff and students about the above requirements, as relevant to their duties and participation in vocational education and training 		
Rectification required		
<ul style="list-style-type: none"> The RTO is requested to provide evidence of the how it identifies and ensures compliance with legislation and regulatory 		



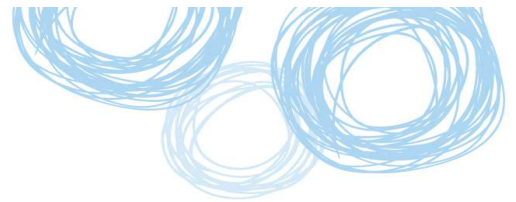
requirements which may be relevant to the RTO operations and/or scope of registration
<ul style="list-style-type: none"> The RTO is requested to demonstrate how it informs staff and students about the above requirements, as relevant to their duties and participation in vocational education and training
Rectification received
<ul style="list-style-type: none"> Quality Manual section 7 listing compliance and legislative/regulatory requirements and quarterly review of same by CEO and Learning Manager Student information package 2.0 Policies, 2.2 Code of Practice, listing relevant legislation and regulatory requirements

Condition 4 - Insurance		
At time of audit:	<input type="checkbox"/> Compliant	<input checked="" type="checkbox"/> Not Compliant
Following rectification:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> Schedule of Insurance listing public liability \$20,000,000 and products liability \$20,000,000 		
Evidence checklist:		
Evidence provided confirms:		Y N
<ul style="list-style-type: none"> The RTO holds insurance for public liability throughout its registration period that is suitable for the size and scope of its operations. 		<input checked="" type="checkbox"/> <input type="checkbox"/>
Summary of non-compliances		
<ul style="list-style-type: none"> The schedule of insurance does not provide dates that the insurance period covers There is no evidence that the level of insurance is suitable for the size and scope of RTO operations 		
Rectification required		
<ul style="list-style-type: none"> The RTO is requested to provide evidence of an insurance certificate of currency The RTO is requested to provide evidence outlining why the level of insurance is suitable for its size and scope of operations 		
Rectification received		
<ul style="list-style-type: none"> Certificate of Insurance Your Insurance Broker Pty Ltd (PO Box 1444 Caloundra 4551) 28/2/11 – 28/2/12 Business Insurance Public Liability \$20,000,000 Products Liability \$20,000,000 Quality Manual 7.3 Insurance states that amount has been discussed with the Insurance Broker as suitable for the size and scope of RTO operations 		

Condition 5 – Financial Management		
At time of audit:	<input type="checkbox"/> Compliant	<input checked="" type="checkbox"/> Not Compliant
Following rectification:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> Policy on Financial Records and Reports, from the Quality Manual Traineeship Enrolment Form, including total fees for each course Website extracts for each course offered, including total fees Invoice from AC Stevens Chartered Accountant for preparation of 2010 financial statements, dated 23 August 2010 		
Evidence checklist:		



		Y	N	
Evidence provided confirms:				
<ul style="list-style-type: none"> ▪ The RTO must be able to demonstrate to its registering body, on request, that it is financially viability at all times during the period of its registration. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<ul style="list-style-type: none"> ▪ The RTO must clearly express the following fee information to each client in a language that clients understand: <ul style="list-style-type: none"> a) The total amount of all fees including course fees, administration fees, materials fees and any other charges b) Payment terms, including the timing and amount of fees to be paid and any non-refundable deposit/administration fee c) The nature of the guarantee given by the RTO to complete the training and/or assessment once the student has commenced study in their chosen qualification or course d) The fees and charges for additional services, including such items as issuance of a replacement qualification testamur and the options available to students who are deemed not yet competent upon completion of training and assessment, and e) The organisation's refund policy. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<ul style="list-style-type: none"> ▪ The evidence provided relating to fee information supports the RTO's statement regarding collection of fees in advance (below). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Does the organisation collect fees in advance from students?				
<input checked="" type="checkbox"/> Yes – continue <input type="checkbox"/> No – bypass next dot point				
Evidence provided confirms <i>how, after 1 July 2011</i>:				
Cross which option is nominated on application	<ul style="list-style-type: none"> ▪ Where the RTO collects fees in advance it must ensure it complies with one of the following options: <ul style="list-style-type: none"> <input type="checkbox"/> Option 1 – The RTO is administered by a state, territory or commonwealth government agency, or Option 2 – The RTO holds current membership of an approved Tuition Assurance Scheme, or [Option not currently possible] <input checked="" type="checkbox"/> Option 3 – The RTO may accept payment of no more than \$1000 from each individual student prior to the commencement of the course. Following course commencement, the RTO may require payment of additional fees in advance from the student but only such that at any given time, the total amount required to be paid which is attributable to tuition or other services yet to be delivered to the student does not exceed \$1,500, or <input type="checkbox"/> Option 4 – The RTO holds an unconditional financial guarantee from a bank operating in Australia for no less than the full amount of funds held by the RTO which are prepayments from students (or future students) for tuition to be provided by the RTO to those students, or <input type="checkbox"/> Option 5 – The RTO has alternative fee protection measures of equal rigour approved by the registering body. [A description of the alternative measures proposed must be provided and accompanied by a comprehensive explanation demonstrating how the proposed measures are of a rigour equal to Options 1 – 4. The Director, Training Quality, will determine whether the RTO's fee protection measures demonstrate equal rigour.] <input type="checkbox"/> The RTO cannot yet demonstrate compliance with the fees paid in advance option 2 as it is awaiting advice from NQC regarding what constitutes an approved Tuition Approval Scheme. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Evidence provided confirms:			



- The RTO must have its accounts certified by a qualified Accountant to Australian Accounting Standards at least annually, and provide the certificate to its registering body on request. If the registering body reasonably deems it necessary, the chief executive must provide a full audit report on the RTO's financial accounts from a qualified and independent accountant.

Summary of non-compliances

- A breakdown of fees (based on the User Choice contractual charge per student contact hour) has not been provided for BSB31007 Certificate III in Business Admin (Legal)
- The total amount of all fees including course fees, administration fees, materials fees and any other charges has not been provided
- Payment terms, including the timing and amount of fees to be paid has not been provided
- The nature of the guarantee given by the RTO to complete the training and/or assessment once the student has commenced study in their chosen qualification or course has not been provided
- The fees and charges for additional services, including such items as issuance of a replacement qualification testamur and the options available to students who are deemed not yet competent upon completion of training and assessment has not been provided
- A clear refund policy has not been provided (there is mention of a refund in the enrolment form, but it is not clear that it is the RTO's refund policy)
- An option at number 4 for collecting fees in advance has not been nominated. The request is to provide evidence of how fees will be collected, after 1 July 2011.

Rectification required

The organisation is requested to provide evidence of:

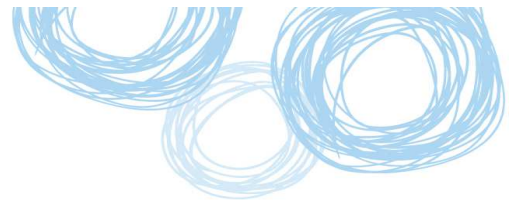
- A breakdown of fees (based on the User Choice contractual charge per student contact hour) for BSB31007 Certificate III in Business Admin (Legal)
- The total amount of all fees including course fees, administration fees, materials fees and any other charges for all courses
- Payment terms, including the timing and amount of fees to be paid for all courses
- A guarantee given by the RTO to complete the training and/or assessment once the student has commenced study in their chosen qualification or course
- The fees and charges for additional services, including such items as issuance of a replacement qualification testamur and the options available to students who are deemed not yet competent upon completion of training and assessment
- The refund policy clearly stated
- The option intended for number 4 regarding how the RTO will collect fees in advance, after 1 July 2011

Rectification received

- Quality Manual section on student fees
- Breakdown of fees for BSB31007 Cert III in Business Administration (Legal) and BSB41207 Certificate IV in Legal Services, including tuition, learning resources, administration fee and reissuing Statement of Attainment fee
- Reference to payment terms via traineeship (for employer) and via Pay Smart
- Refund policy for both traineeship employers and private students
- Reference to option number 4, with schedule of collecting fees in advance according to the rules for this option

Condition 6 – Certification & Issuing of Qualifications & Statements of Attainment

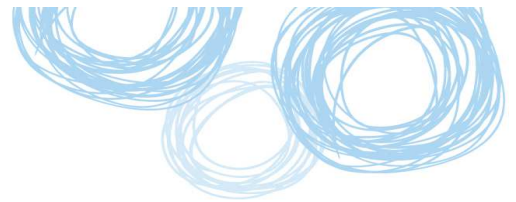
At time of audit: Compliant Not Compliant



Description of evidence sighted:		
<ul style="list-style-type: none"> • Sample certificate for BSB31007 Certificate III in Business Administration (Legal) • Sample statement of attainment for competencies from BSA40200 Certificate IV in Business (Legal Services) • Reporting procedure from the Quality Manual • Invoice from Ozsoft Solutions for VET TRAK annual renewal • Acknowledgement from DET for receipt of QI reports, dated 21 May 2010 		
Evidence checklist:		
Evidence provided confirms:	Y	N
<ul style="list-style-type: none"> ▪ The RTO must issue to persons whom it has assessed as competent in accordance with the requirements of the Training Package or accredited course, a qualification or statement of attainment (as appropriate) that: <ul style="list-style-type: none"> a. meets the Australian Qualifications Framework (AQF) requirements <input checked="" type="checkbox"/> <input type="checkbox"/> b. identifies the RTO by its national provider number from the National Training Information Service <input checked="" type="checkbox"/> <input type="checkbox"/> c. includes the Nationally Recognised Training (NRT) logo in accordance with the current conditions of use. <input checked="" type="checkbox"/> <input type="checkbox"/> ▪ The RTO must retain client records of attainment of units of competency and qualifications for a period of 30 years. <input checked="" type="checkbox"/> <input type="checkbox"/> ▪ The RTO must have a student records management system in place that has the capacity to provide the registering body with AVETMISS compliant data. <input checked="" type="checkbox"/> <input type="checkbox"/> [Evidence required to demonstrate how the RTO plans to comply by 3 January 2011] ▪ The RTO must provide returns of its client records of attainment of units of competency and qualifications to its registering body on a regular basis, as determined by the registering body. <input checked="" type="checkbox"/> <input type="checkbox"/> ▪ The RTO must meet the requirements for implementation of a national unique student identifier. <input type="checkbox"/> <input type="checkbox"/> [Not required until implementation plan is published on www.training.com.au] 		

Condition 7 – Recognition of Qualifications Issued by Other RTOs		
At time of audit:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> • Recognition of Prior Learning/Credit Transfer from the Quality Manual 		
Evidence checklist:		
Evidence provided confirms:	Y	N
<ul style="list-style-type: none"> ▪ The RTO recognises the AQF Qualifications and Statements of Attainment issued by any other RTO. <input checked="" type="checkbox"/> <input type="checkbox"/> 		

Condition 8 – Accuracy and Integrity of Marketing		
At time of audit:	<input type="checkbox"/> Compliant	<input checked="" type="checkbox"/> Not Compliant
Following rectification:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> • Extract from website of the courses offered by the RTO 		
Evidence checklist:		



Evidence provided confirms:	Y	N
<ul style="list-style-type: none"> The RTO must ensure that its marketing and advertising of AQF qualifications to prospective clients is ethical, accurate and consistent with its scope of registration. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> The NRT logo must be employed only in accordance with its conditions of use. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Summary of non-compliances		
<ul style="list-style-type: none"> No evidence was provided of how the RTO ensures that its marketing and advertising of qualifications to prospective clients is ethical, accurate and consistent with its scope of registration No evidence was provided of how the NRT logo is employed only in accordance with its conditions of use. The about us page from the website uses the NRT logo, without reference to a specific course meeting AQTF requirements 		
Rectification required		
<ul style="list-style-type: none"> The RTO is requested to provide evidence of how the RTO ensures that its marketing and advertising of qualifications to prospective clients is ethical, accurate and consistent with its scope of registration The RTO is requested to provide evidence of how the NRT logo is employed only in accordance with its conditions of use. 		
Rectification received		
<ul style="list-style-type: none"> Quality Manual section on marketing outlines how the RTO ensures its marketing information and use of NRT logo is undertaken 		

Condition 9 – Transition to Training Packages/Expiry of Accredited Courses		
At time of audit:	<input type="checkbox"/> Compliant	<input checked="" type="checkbox"/> Not Compliant
Following rectification:	<input checked="" type="checkbox"/> Compliant	<input type="checkbox"/> Not Compliant
Description of evidence sighted:		
<ul style="list-style-type: none"> DET extract of current scope of registration 		
Evidence checklist:		
Evidence provided confirms:	Y	N
<ul style="list-style-type: none"> The RTO must manage the transition from superseded Training Packages within 12 months of their publication on the National Training Information Service. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> The RTO must also manage the transition from superseded accredited courses so that it delivers only currently endorsed Training Packages or currently accredited courses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Summary of non-compliances		
<ul style="list-style-type: none"> There is no evidence of how the RTO would manage the transition from superseded Training Packages within 12 months of publication on the NTIS, so that students are only enrolled in current qualifications or courses 		
Rectification required		
<ul style="list-style-type: none"> The RTO is requested to provide evidence of how the RTO would manage the transition from superseded Training Packages within 12 months of publication on the NTIS, so that students are only enrolled in current qualifications or courses 		
Rectification received		
<ul style="list-style-type: none"> Quality Manual section Transition to Training Packages/Expiry of Accredited Courses – statement that through regular reviews of compliance issues, it will make the transition to new training packages within the 12 month timeframe. Further response outlines subscribing to the NTIS Gazette to receive email notices of changes and internal systems to ensure that students are enrolled in the most current course. 		