



Driver Academy
AUSTRALIA

RTO 46350

Complaints and Appeals Policy and Procedures

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Version Control

Item	Summary of update	Version	Review date
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2			

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Copyright

Copyright, Intellectual Property, Professional Lien and Moral Rights

1. Ownership of Intellectual Property

All intellectual property rights, including copyright and any other proprietary or statutory rights, in all documents, materials, works, deliverables, methodologies, templates, frameworks, training and assessment materials, reports, data, and other content created, authored, developed, or supplied by AIS (the *Works*), whether in draft or final form, remain the sole and exclusive property of AIS, unless expressly agreed otherwise in writing. No right, title, or interest in the Works is transferred to the Client except as expressly set out in the Client Services Agreement and this copyright notice.

2. Entity-Specific Use and Non-Transferability

Any licence or right granted under this Agreement to use the Works is granted solely to the specific legal entity identified as the Client in the Client Services Agreement.

The licence:

- is personal to that entity; and
- must not be assigned, transferred, sublicensed, novated, shared, or otherwise made available to any other entity, including (without limitation) related bodies corporate, partners, shareholders, directors, officers, contractors, affiliates, successors, stakeholders, joint venture participants, or any other third party, whether now or at any time in the future, without the prior written consent of AIS, which may be granted or withheld in AIS's absolute discretion.

Any unauthorised transfer, sharing, or use of the Works by another entity constitutes a material breach of the Client Services Agreement and an infringement of AIS's intellectual property rights.

3. Professional Lien

AIS retains a professional lien over all Works created or supplied under the Client Services Agreement and this copyright notice.

Notwithstanding any other provision of the Client Services Agreement:

- AIS is not required to release, licence, assign, or provide final or editable versions of any Works; and
- the Client acquires no right to use, reproduce, publish, distribute, or rely upon the Works, until all outstanding invoices, fees, disbursements, and any accrued interest owing to AIS have been paid in full.

This lien survives termination or expiry of the Agreement.

4. Limited Licence (If Applicable)

Subject to full payment of all amounts owing, AIS may grant the Client a non-exclusive, non-transferable, non-sublicensable, revocable licence to use the Works solely for the purpose expressly agreed in writing and only for the benefit of the Client entity named in the Client Services Agreement.

Any use outside that agreed purpose or by any other entity constitutes an infringement of AIS's intellectual property rights.

5. Moral Rights and Integrity of Works

AIS does not waive and expressly reserves all moral rights (as defined in the *Copyright Amendment (Moral Rights) Act 2000 (Cth)*) in respect of all Works created by AIS under the Client Services Agreement and this copyright notice.

Without limiting the foregoing, the Client must not, without the prior written consent of AIS (which may be granted or withheld in AIS's absolute discretion):

- a) fail to attribute AIS as the author of the Works, or falsely attribute the Works to another person;
- b) amend, adapt, edit, alter, distort, crop, reformat, translate, excerpt, or otherwise modify the Works; or
- c) (c) do, or omit to do, any act in relation to the Works that would, or may reasonably be expected to, be prejudicial to AIS's honour, professional reputation, or standing.

6. Conditions on Consent

Where AIS provides consent under this notice, such consent may be subject to **reasonable conditions**, including but not limited to:

- mandatory attribution wording;
- quality control and audit requirements;
- version control and approval processes;
- restrictions on context, audience, format, or medium of use; and
- immediate withdrawal of consent if conditions are breached.

7. No Implied Consent

Nothing in this Agreement, any Client Services Contract, Statement of Work, or related document operates as a consent by AIS to any act or omission that would infringe AIS's moral rights or intellectual property rights, except to the extent expressly agreed in writing by AIS.

8. Survival

This clause survives termination or expiry of any Agreement and continues in full force and effect.

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Purpose

The purpose of this policy and procedure is to outline Driver Academy Australia (The Academy)'s approach to managing dissatisfaction, formal complaints and appeals of learners, clients, staff and from time to time other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

Definitions

- **Academic Misconduct:** Any action or behaviour that undermines the integrity of the assessment process, including but not limited to plagiarism, cheating, collusion, falsification of data, and other dishonest practices.
- **ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body.
- **Appeal** means a request for a decision made by the Academy to be reviewed.
- **Complaint** means a person's formal expression of dissatisfaction with any product or service provided.
- **Compliance Standards** refers to the Compliance Standards for National Vocational Education and Training Regulator (NVR) Registered Training Organisations (RTOs) Instrument 2025.
- **Credential Policy** refers to the Credential Policy for National Vocational Education and Training Regulator (NVR) Registered Training Organisations (RTOs) Instrument 2025.
- **Plagiarism:** The act of presenting someone else's work, ideas, words, or data as one's own without proper acknowledgment. This includes copying text, images, designs, or data from sources such as books, websites, or other learners without proper citation.
- **Outcome Standards** refers to the Outcome Standards for National Vocational Education and Training Regulator (NVR) Registered Training Organisations (RTOs) Instrument 2025.
- **Services** means training, assessment, related educational and support services and / or activities related to the recruitment of prospective learners. It does not include services such as learner counselling, mediation or ICT support.
- **Student Management System (SMS)** refers to a software solution designed to manage all aspects of student data and administrative processes within a training organisation. It streamlines operations, enhances efficiency, and helps RTOs meet compliance requirements.

Scope

This policy applies to all learners, trainers, assessors, administrative staff, and management at the Academy involved in the delivery of training and assessment services. It covers all courses and units of competency delivered by the Academy.

Responsibilities

- Chief Executive Officer / Training Manager
- RTO Manager
- Student Liaison team

Alignment

Outcome Standards for National Vocational Education and Training Regulator (NVR) Registered Training Organisations (RTOs) Instrument 2025*

**Please note: the information below, including number formatting, while inconsistent, is a direct reflection of the regulatory instruments and number formatting as endorsed by the regulator ASQA.*

Outcome Standards:

Standard 2.1

VET students have access to clear and accurate information concerning the organisation, the relevant training product, and students are made aware of any changes that may affect them.

Performance indicators:

An RTO demonstrates:

- a. all information provided to VET students by the organisation or any third parties is clear, accurate and current;
- b. how it identifies which information VET students require prior to their enrolment and how that information is communicated to VET students prior to their enrolment;
- c. the following information is easily accessible to VET students:
 - i. the training product code and title, duration, modes of delivery, training delivery, location, training commencement dates, scheduling, any requirements to commence or complete the training product including assessment requirements, whether any licencing or occupational licence requirements apply, and details of any third party arrangements that apply to the delivery of the training;
 - ii. the training support services and wellbeing support services that are available to the VET student, and how the student can access those services;
 - iii. all fees, costs and charges associated with the provision of the training product which VET students may incur, including payment terms and conditions, any applicable refund policies and the availability of any relevant government training entitlements and subsidies;
- d. any obligations or liabilities which may be imposed on VET students undertaking the training product, including any obligations requiring VET students to acquire any materials, equipment or IT, any costs and processes associated with withdrawing from training, and costs and processes associated with obtaining a Student Identifier, and any requirements for VET students to undertake work placements;
 - i. the organisation provides all VET students with documentation prior to enrolment or before any fees are required to be paid which sets out:
 - ii. the training which the organisation or third parties will provide the VET student;
 - iii. all fees, costs and charges which the VET student will be required to pay; and
 - iv. any obligations or liabilities which may be imposed by the organisation or third parties on the VET student; and
- e. that it informs VET students, as soon as practicable, of any changes to training products or the organisation's operations that may affect VET students, including any changes relating to the transition of superseded, deleted, or expired training products.

Standard 2.7

Feedback and complaints management addresses concerns and informs continuous improvement of the registered training organisation.

Performance indicators:

An RTO demonstrates:

- a. it operates a complaints management system that:
 - i. allows feedback and complaints about the organisation, any third parties, and any person employed or contracted by the organisation;
 - ii. ensures all parties are afforded procedural fairness;
 - iii. identifies reasonable timeframes for responding to and resolving complaints; and
 - iv. provides avenues for further action where complaints are not resolved;
- b. information about how to provide feedback and make complaints through the complaints management system is publicly available and easily accessible by VET students;
- c. VET students are supported to provide feedback and make complaints;
- d. outcomes of complaints are documented by the organisation and communicated to all parties to the complaint; and
- e. feedback and complaints are used by the organisation to inform continuous improvement.

Standard 2.8

Effective appeal processes are available to VET students where decisions of the registered training organisation or a third party adversely affect the student.

Performance indicators:

An RTO demonstrates:

- a. it operates an appeals management system that:
 - i. allows VET students to appeal decisions of the organisation, any third parties, and any person employed or contracted by the organisation, where those decisions adversely affect the student;
 - ii. ensures all parties to the appeal are afforded procedural fairness;
 - iii. specifies reasonable timeframes for actioning appeals; and
 - iv. provides avenues for review by an independent party if requested by the appellant (at no or low cost to the appellant);
- b. information about how to appeal an adverse decision through the appeals management system is publicly available and easily accessible by VET students;
- c. outcomes of appeals documented by the organisation and communicated to the appellant; and
- d. the outcomes of appeals are used by the organisation to inform continuous improvement.

Standard 4.4

A registered training organisation undertakes systematic monitoring and evaluation of the organisation to support quality delivery and the continuous improvement of services.

Performance indicators:

An RTO demonstrates:

- a. it has a system in place for monitoring and evaluating its performance with the requirements set out in this instrument [these Standards] and any other instrument [the Compliance Requirements] made under section 185 of the Act, as in force from time to time;
- b. how outcomes derived from monitoring and evaluating its performance are used to inform continuous improvement; and
- c. it has mechanisms in place to lawfully collect and analyse data including any feedback received from VET students, staff, industry, VET regulators, state and territory training authorities and employers of current or former VET students.

Policy

The Academy is committed to maintaining high standards of training and assessment by actively seeking feedback from learners and managing complaints and appeals effectively. The Academy will ensure that learners have the opportunity to provide feedback on their experience and raise concerns without fear of reprisal. All complaints and appeals will be resolved in a confidential, fair, and transparent manner.

Nature of complaints and appeals

The Academy responds to all allegations involving the conduct of the RTO, its trainers and assessors, and other staff; and any learner or client of The Academy.

Any learner, staff member or client of The Academy has the right to lodge a complaint or appeal against any decision that they believe is unfair or unjustified, or an act of discrimination, harassment, vilification or bullying.

Complaints may be made in relation to any of The Academy's services and activities such as but not limited to:

- Enrolment process;
- Marketing information;
- Quality of training and assessment provided;
- Training and assessment matters, including training approach and method, learner support and assessment requirements;
- The manner in which someone has been treated; or
- The actions of another learner or staff, such as bullying or harassment.

An appeal is a request for a decision made by The Academy to be reviewed. Decisions can include but are not limited to:

- Response to a complaint;
- Refund assessments; or
- Assessment outcomes / results.

Principles

The Academy is committed to developing and implementing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, The Academy ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner;
- Are responded to promptly, objectively, with sensitivity and confidentiality;
- Are able to be made at no cost to the individual;
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement; and
- Provide all parties with the opportunity to present their case or viewpoint on the circumstances leading to the complaint and propose a resolution.

The Academy will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.

Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

Where a learner chooses to access this policy and procedure, The Academy will maintain the learner's enrolment while the complaints / appeals handling process is ongoing.

Procedures

Complaints Process

Lodging a Complaint

Learners are encouraged to resolve minor issues informally by discussing their concerns directly with the relevant staff member, trainer or assessor. If the issue is not resolved informally, learners can lodge a formal complaint in writing using the Academy's *Complaint Form*, which is available on The Academy's website (<https://driveracademyaustralia.com.au>) and in the *Learner Handbook*.

Acknowledgment and Investigation

The Academy will acknowledge receipt of the complaint in writing within 10 business days and provide information on the next steps in the process. The Training Manager or the RTO Manager will investigate the complaint impartially, gathering relevant information and consulting with all parties involved.

Resolution and Outcome

Based on the investigation, a decision will be made, and appropriate actions will be taken to resolve the complaint. The learner will be informed of the outcome of their complaint in writing within 10 business days, including details of any actions taken.

Appeals Process

Lodging an Appeal

Where matters are not resolved to the satisfaction of the complainant after the complaints procedure has been exhausted, the individual has the right to make an appeal in writing using The Academy's *Appeal Form*, which is available on the Academy's website (<https://driveracademyaustralia.com.au>) and in the *Learner Handbook*.

Acknowledgment and Investigation

The appeal will be acknowledged in writing to all relevant parties. If the appeal is not received within seven (7) working days of the complainant receiving the decision regarding the complaint outcome, the matter will be considered closed.

For appeals in relation an assessment decision made by The Academy, please refer to the dedicated [Assessment Appeals](#) section below.

Independent Adjudicator

The complainant will be advised that an independent adjudicator, mediator or consultant will be sought to consider the nature of the complaint and a possible further resolution. The complainant will also be advised that they will share up to 50% of adjudicator costs to be paid in full before the appointment and that the actual total cost will be borne by the losing party.

The selection of the adjudicator will be communicated with the complainant and the selection must be with the mutual agreement of the complainant. The Academy's management will make contact with the independent adjudicator and provide all documentation related to the formal complaint/appeal and complainant contact details.

Responses from the adjudicator must be within 10 business days from the date that all formal complaint documentation is provided to the adjudicator, or such longer time as advised in writing by the adjudicator.

On receipt of the formal complaint documentation, the adjudicator will make contact with The Academy's management and staff, and the complainant to arrange a suitable time for further discussion pertaining to the formal complaint.

If the complaint is referred to a consultant or arbitrator, every effort will be to ensure that the matter is resolved as quickly and efficiently as possible. Where more than 60 days are required to process, and finalise the complaint, The Academy will inform the complainant in writing as to the reason why more than 60 days are required and will provide regular progress updates.

Resolution and Outcome

All Independent Adjudicator Appeal proposed solutions will be final and be reported to The Academy and the complainant in writing, and will require immediate implementation by both parties.

Complainants retain the ultimate right of complaint to the National Regulator for the Vocational Education and Training industry, ASQA (Australian Skills Quality Authority). Complaints to ASQA should only be made, once all complaints avenues with Driver Academy Australia have been exhausted. Details about their complaints process can be found on their website: <http://www.asqa.gov.au>

Assessment Appeals

The learner will be provided with sufficient information regarding the rationale for the trainer / assessor's decision to make a judgement of 'Not Yet Competent' (NYC) regarding the assessment result under dispute. This information shall be provided with recommendations to the learner regarding any extra studies or assessment requirements needed to achieve a result of 'Competency Achieved' (CA).

If the learner is not satisfied with the result of the assessment and the reasons given for the NYC result, they should first discuss the issues of concern with the course trainer / assessor who will endeavour to resolve any issues to the reasonable satisfaction of the learner and The Academy.

Lodging an Assessment Appeal

If the matter is not resolved at this point, the learner can appeal the assessment decision within 30 days of the assessment result, using the *Academy's Appeal Form*.

Acknowledgment and Investigation

The Academy will acknowledge receipt of the complaint in writing within 10 business days and provide information on the next steps in the process.

The formal appeal will be considered by The Academy's CEO / Training Manager or an independent consultant if the assessment was initially conducted by the Training Manager, who will investigate the appeal impartially, gathering relevant information and consulting with all parties involved, before determining whether to uphold or change the original assessment outcome.

If the resolution of the appeal is not able to be resolved within The Academy, the learner will be advised of external avenues. More information on [external avenues](#) can be found later in this policy.

Recording Complaints and Appeals

The Academy is required to place all relevant records in the learner's file, together with a copy of the report of the disputed assessment as follows:

- Summary of main issues under dispute;
- Date of discussion, issues raised and result; and
- Note the main documents and dates on the Student Management System (SMS).

The Academy's management team is required to prepare a written record as follows:

- Date of receipt of report from the trainer;
- Collection of any information relevant to the issue;
- Date of discussion with the learner, issues raised and result;
- If no resolution has been reached, record advice given to learner; and
- Completion of any necessary forms or records for referral to other agencies.

The learner will be notified in writing of the outcome/s of the complaint or appeal process by The Academy and this notification will include copies of any reports, correspondence or judgments made by third parties.

All records will be retained on the learner's file until an external audit process is completed (if necessary).

A *Complaints and Appeals Register* is maintained by The Academy and this document records all outcomes of complaints and appeals. This will be reviewed by the CEO / Training Manager and RTO Manager every six (6) months and recommendations made for preventing the recurrence of incidents which could lead to a complaint or appeal.

External Avenues

If the learner is dissatisfied with the outcome of an appeal, they have the right to seek an external review through an appropriate body, such as an independent mediator as noted earlier in this procedure or the relevant regulatory authority.

The Academy will provide information on external review options, including contact details and guidance on how to proceed. These include but are not limited to:

- **National Training Complaints Hotline:** A national service for consumers to register complaints concerning vocational education and training, the service refers consumers to the appropriate agency / authority / jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:
 - Phone: 13 38 73, Monday–Friday, 8am to 6pm.
 - Email: ntch@education.gov.au

Note – For more information about the National Training Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>

- **Australian Skills Quality Authority (ASQA):** Complainants may also complain to the Academy’s registering body and ASQA can investigate complaints about the Academy in relation to:
 - The quality of training and assessment
 - Marketing and advertising practices

Note – ASQA may not be able to investigate complaints if a complainant does not include evidence that they have already exhausted the Academy’s formal internal complaints and appeals processes as above. More information is available at: <https://www.asqa.gov.au/complaints>

- **Office of Fair Trading:** Complaints can also be lodged and enquiries made with SA Fair Trading at <https://www.sa.gov.au/topics/rights-and-law/consumer-rights/disputes/consumer-complaints>
- **Department of Education Training and Employment (DETE):** More information and support on individual rights in education, training and employment can be accessed at <https://www.nsw.gov.au/young-people/leaving-care/education-training-and-employment>

Learner Feedback

The Academy will regularly collect feedback through surveys, course evaluations, and focus groups to assess the quality of training, assessment, and support services. Feedback forms will be made available to learners at any time during their training and assessment to provide comments or suggestions on any aspect of their experience. Trainers and assessors will also encourage learners to provide informal feedback during training and assessment sessions.

Feedback from staff, learners and / or clients will be analysed by The Academy’s management team, and actions will be taken to address any identified areas for improvement. Learners will be informed of changes made as a result of their feedback through email mailouts, meetings, or direct communication.

Publication

This *Complaints and Appeals Policy and Procedures* document will also be published on The Academy's website (<https://driveracademyaustralia.com.au>) and referenced in the Academy's *Learner Handbook*.

Policy Governance

All complaints and appeals materials and systems must be reviewed and approved by the CEO / Training Manager and / or RTO Manager before publication to ensure compliance with RTO standards and regulatory requirements.

The Academy will regularly monitor its complaints and appeals processes to ensure ongoing compliance and will promptly address any non-compliant practices or areas of improvement identified, and document this in the *Continuous Improvement Register* accordingly.