

National Indigenous Legal Advocacy Courses

Licencing Process

1. Introduction

This document provides general information regarding the process for an organisation (referred to in this document as the Intending Training Provider) to obtain a licence from the Human Rights and Equal Opportunity Commission (HREOC) to use, offer and deliver one or more of the National Indigenous Legal Advocacy Courses (NILAC).

Copyright in the NILAC is owned by the Human Rights and Equal Opportunity Commission. Intending Training Providers must obtain a licence from HREOC in order to use, offer and deliver the NILAC, or individual units of competency created for the NILAC.

The National Indigenous Legal Advocacy Courses are:

- 39102QLD: Certificate III in National Indigenous Legal Advocacy;
- 39103QLD: Certificate IV in National Indigenous Legal Advocacy; and
- 39104QLD: Diploma of National Indigenous Legal Advocacy.

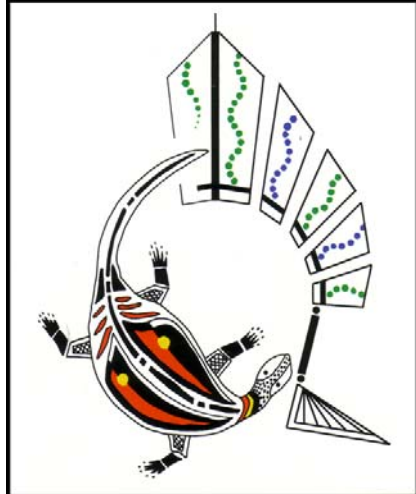
The NILAC is comprised of the following documents:

- the Syllabus for the courses; and
- the units of competency prefixed with the letters 'AI' referred to in paragraph 5 of Part A of the Syllabus.

Information about the NILAC is available by contacting HREOC or online at HREOC's website: www.humanrights.gov.au/social_justice/.

HREOC has established a two stage licensing process for the NILAC:

- the submission by the Intending Training Provider of a licence application; and
- if approved, the entering into a licensing agreement to use, offer and deliver the NILAC.



2. Licence application

An Intending Training Provider must submit a licence application to HREOC. It must include the following information:

1. Name of the organisation seeking the licence.
2. Contact details, including details for proposed course convenor.
3. Campuses for which the licence is sought.
4. Courses for which the licence is sought.
5. Proposed duration of the licence (NB: this cannot extend beyond the period of accreditation for the courses, which is until 29 June 2008).

Intending Training Providers must also supply evidence that satisfies HREOC that they will comply with the conditions set out in the NILAC Syllabus, namely:

6. Evidence that the Intending Training Provider is registered as an approved training provider with the relevant state/territory training authority.

7. Evidence that the Intending Training Provider has consulted with the Aboriginal and Torres Strait Islander Legal Service (ATSILS) for the region in which they are based (as set out in Part B, section 10 of the Syllabus). The Intending Training Provider must supply evidence that they have advised their local ATSILS of their intention to offer the course and the process for establishing a Community Advisory Board which includes ATSILS representation. They must also supply evidence that the ATSILS has been provided with the opportunity to raise any concerns about the Intending Training Provider delivering the course and that they have addressed any concerns that have been raised to the satisfaction of the ATSILS.
8. Evidence of support of the local Indigenous community for the Intending Training Provider to deliver the NILAC, and any evidence of support from ATSILS or other Indigenous organisations (or organisations, agencies and departments which work in the field of Indigenous justice issues) that may employ graduates of the courses or who have agreed to participate in the vocational training aspects of the courses.
9. Evidence of the establishment and operations of the Aboriginal and Torres Strait Islander Community Advisory Board required under Part B, section 11 of the Syllabus, or alternatively, of planning undertaken by the Intending Training Provider to establish such a Board to be involved in the implementation and ongoing monitoring of the delivery of the NILAC by the Intending Training Provider.

Please be aware that HREOC may consult with the local ATSILS and Indigenous community to verify the accuracy of documents supplied by the Intending Training Provider in seeking to provide evidence of these matters.

HREOC may also request the Intending Training Provider to supply any additional materials which enables it to be satisfied that the Intending Training Provider will deliver the course/s in a manner that addresses the industry / enterprise / community needs of the course, as set out in Part B, section 2.1 of the Syllabus or any other material that HREOC, in its absolute discretion, determines that it requires for the purposes of considering an application.

An application form is attached to this document as Attachment A ('Application for licence for use of National Indigenous Legal Advocacy Courses'). It is HREOC's current intention to process applications which are submitted in an alternative format, provided such applications address the matters identified in this document.

3. Licensing agreement

If, in its absolute discretion, HREOC determines that an Intending Training Provider should be licensed to use, offer and deliver the NILAC, that Intending Training Provider will be required to sign a licensing agreement. HREOC expressly reserves the right to determine the precise form of any particular licensing agreement and the following material is simply provided as a guide to Intending Training Providers of the matters which may be addressed in such an agreement.

A licensing agreement may identify:

- Which course/s the licence is granted for;
- The length of the licence;
- Which campuses of the Intending Training Provider are granted approval to deliver the course/s; and
- Any other matters considered appropriate by HREOC.

A licensing agreement may also set out obligations of the Intending Training Provider under the Syllabus. These obligations may include, but are not limited to:

- Limiting entry into the courses to people of Aboriginal or Torres Strait Islander descent;
- Establishing a selection panel for entry into the courses to determine entry levels, literacy and numeracy levels and any assistance that may be required for students due to the lack of formal educational qualifications;
- Ensuring that the exit points for the courses, identified in Part B, section 4.1 of the Syllabus are complied with;
- Mechanisms to ensure the ongoing role of the Community Advisory Board and appropriate representation on the Community Advisory Board;
- Ongoing registration of the Intending Training Organisation as an approved training provider with the relevant state/territory training authority for the duration of the licensing agreement;
- Compliance of the Intending Training Provider with AQTF *Standards for Registered Training Organisations*, such as Standard 7 regarding the competence of RTO staff and assessors, and legislative requirements such as Occupational Health and Safety and on-the-job training for vocational placements;
- The use of national codes of the courses as official course codes; and
- Any other matters considered appropriate by HREOC.

A licensing agreement may detail certain reporting obligations to HREOC to be undertaken by the Intending Training Provider about the use and delivery of the NILAC on at least an annual basis. These obligations may include, but are not limited to:

- Information about student enrolments (appropriately de-identified) – numbers, percentage of women, breakdown of Aboriginal vs Torres Strait Islander, number of vocational placements and sector where placed (eg ATSILS vs government agencies etc), number of students in employment and breakdown of where employed;
- Information about retention rates – where students have left the course, at what stage have they left, have they transferred to other courses, information about exit points and awards recognised;
- Information about course evaluation and student feedback undertaken by the training organisation – including comments on course structure and individual units of study, quality of delivery by the training organisation;
- Information about the role of the Community Advisory Board – convening of meetings, involvement in design, delivery and evaluation of course; and
- Any other matters considered appropriate by HREOC.

A licensing agreement may also contain any other contractual terms, conditions, warranties, termination provisions, indemnities, confidentiality clauses and/or any other provisions which HREOC in its absolute discretion considers should be included in that agreement.

4. Cost of licensing process

Intending Training Providers are asked to acknowledge that any costs associated with the preparation of an application will be borne by the Intending Training Provider and that HREOC is in no way liable to meet any such costs.

HREOC will advise an Intending Training Provider of any fees associated with the licensing process at the beginning of the process. HREOC currently intends not to charge any administration fees for an Intending Training Provider seeking a licence for NILAC if such an Intending Training Provider:

- was previously granted a licence by HREOC to use, offer and deliver the National Indigenous Legal Studies Curriculum (the predecessor to NILAC); and
- was actually delivering the National Indigenous Legal Studies Curriculum during the re-accreditation process (ie, 2001-03); and
- makes an application for a licence for NILAC before 30 June 2004.

5. Variations to licensing process

HREOC expressly notes that it **does not**, by this document, make any representation regarding the procedure it will follow in the consideration of an application by an Intending Training Provider to obtain a licence to use, offer and deliver the NILAC. While it is currently HREOC's intention to assess applications in the manner described in this document, this material is provided for general information only and HREOC expressly reserves the right to alter this procedure without prior notice to Intending Training Providers.

In particular, but without limitation, HREOC may create an advisory board to oversee the licensing process, or enter into arrangements with other organisations as partners or consultants for the licensing process and monitoring of the NILAC.

HREOC may also, in its absolute discretion and without prior notice, in respect of a particular application, a class of applications or all applications determine to vary in part or in whole the procedure it will follow in the acceptance and/or consideration of an application by an Intending Training Provider or Providers to obtain a licence to use, offer and deliver the NILAC.

Intending Training Providers are advised to contact HREOC at the times of preparing and submitting their application to ensure that they correctly understand the process to be followed and the nature and scope of information to be provided. Any such advice given by HREOC in no way derogates from HREOC's right to vary the process for licensing Intending Training Providers at any time at its absolute discretion and without notice to an Intending Training Provider.

6. Disclaimer

Intending Training Providers should note that:

- the publication and/or provision of this document;
- the submission of an application by an Intending Training Provider to obtain a licence to use, offer and deliver the NILAC;
- HREOC's acceptance of an application;
- HREOC's consideration of such an application (or agreement to consider such an application); and
- any other actions, omissions or representations of HREOC in connection with the above or with the procedures described in this document

do not give rise to any contractual relationship between HREOC and any Intending Training Provider or any other party. HREOC specifically disclaims any intention to enter into such a relationship or relationships.

HREOC also expressly notes that:

- HREOC is not assuming any obligation to consider an application made by an Intending Training Provider and does not represent that it will consider such an application;
- If HREOC does consider such an application or agrees to consider such an application, HREOC is not assuming any obligation to consider the application in any particular fashion or in accordance with any particular procedure and does not represent that it will consider the application in any particular fashion or in accordance with any particular procedure;
- If HREOC does consider such an application or agrees to consider such an application, it is not limited to consideration of the material referred to in section 2 above and may have regard to any other material it thinks fit; and
- HREOC may, in its absolute discretion, consider, refuse to consider, accept or reject an application for any reason whatsoever.

7. Inquiries and contacts for applications

Applications for the use of the NILAC, and any inquiries, should be sent to:

The Director, Social Justice Unit
Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney NSW 2001

Ph: (02) 9284 9600

Fax: (02) 9284 9849

E-mail: nilac@humanrights.gov.au

Attachment A

Application for Licence for Use of National Indigenous Legal Advocacy Courses



1) ORGANISATION NAME

2) CONTACT DETAILS

Proposed Course Convenor:
(or details of person to be contacted with any inquiries about the application)

Address:

Email: _____

Phone: _____

Fax: _____

3) CAMPUSES FOR WHICH LICENCE IS SORT

4) COURSES FOR WHICH LICENCE IS SORT

- () 39102QLD: Diploma of National Indigenous Legal Advocacy
- () 39103QLD: Certificate IV in National Indigenous Legal Advocacy
- () 39104QLD: Certificate III in National Indigenous Legal Advocacy
- () All courses

Please note: If a licence is sort only in relation to individual units created for the National Indigenous Legal Advocacy Courses, please indicate which units here:

5) DURATION OF LICENCE SORT

FROM: _____ TO: _____

Please note: The courses are accredited until 29 June 2008. Licences may not extend beyond this date.

6) REGISTERED TRAINING ORGANISATION

Are you registered as an approved training provider with the relevant state/territory training authority? **YES / NO**

Please attach evidence of registration as Attachment 1 to your application

7) CONSULTATION WITH LOCAL ABORIGINAL AND TORRES STRAIT ISLANDER LEGAL SERVICES AND COMMUNITIES

Have you consulted with your local Aboriginal and Torres Strait Islander Legal Service about:

- Your proposal to offer the courses; and
- Their involvement in the courses and on the Community Advisory Board?

YES / NO

Please attach evidence of this as Attachment 2 to your application

Please attach the following as Attachment 3 to your application:

- any evidence of support from the local Aboriginal or Torres Strait Islander communities for your application; and
- any evidence of support from Aboriginal and Torres Strait Islander legal services, community organisations or others who have agreed to participate in the vocational training aspects of the courses or who may employ graduates from the courses.



8) COMMUNITY ADVISORY BOARD

Please attach as Attachment 4 to your application the following:

- evidence of the establishment of a Aboriginal and Torres Strait Islander Community Advisory Board, in accordance with the requirements of Part B, section 11 of the Syllabus; or
- processes in place to establish such an advisory board, including details of when the board will be convened.

9) FURTHER INFORMATION

Please attach as Attachment 5 to your application any further information that you wish to draw to the attention of HREOC at this stage.

10) ACKNOWLEDGEMENT

Please fill out and sign this acknowledgement as part of your application form.

In making this application the Intending Training Organisation,

[insert Organisation Name: _____],

acknowledges that:

- it is not, in preparing or submitting this application, entering into any form of contractual relationship with HREOC;
- HREOC's acceptance of this application does not give rise to any form of contractual relationship with the Intending Training Organisation;
- HREOC's consideration of or agreement to consider this application does not give rise to any form of contractual relationship with the Intending Training Organisation;
- any other actions, omissions or representations of HREOC and/or the Intending Training Organisation in connection with the preparation, submission, acceptance or consideration of this application do not give rise to any form of contractual relationship between HREOC and the Intending Training Organisation;
- The Intending Training Organisation has relied upon its own skill and inquiries in preparing this application and does not rely upon any representations made by HREOC;
- HREOC may, in its absolute discretion and without prior notice, vary all or any part of the process for applying for and/or obtaining a licence for use of the NILAC;
- HREOC is not obliged to consider this application or, if it does consider this application, is not obliged to consider it in any particular fashion or in accordance with any particular procedure;
- If HREOC does consider this application, it is not limited to material provided with this application and may have regard to any other material it thinks fit;
- If HREOC does consider this application, HREOC may, in its absolute discretion accept or reject this application for any reason whatsoever;
- HREOC is not obliged to provide details of its reasons for considering, refusing to consider, accepting or rejecting this application, unless otherwise required by law;
- any costs associated with the preparation and/or submission of this application will be borne by the Intending Training Organisation and HREOC is in no way liable to meet any such costs; and
- HREOC is in no way liable for any direct, indirect, incidental, special or consequential loss or damage, associated with the preparation or submission of this application, including but not limited to, damages for loss of profits, use, data or other intangibles, even if HREOC has been advised of the possibility of such loss or damage.

SIGNATURE: _____

TITLE: _____

DATE: _____

End of application form

