

Implementing the Rules of Evidence: Issues and how to avoid them
March Members Lunch Box
(31 March 2025)

Chat Q&A Unanswered Questions

12:06:24 From Neha Rohilla to Everyone:

"So, does authenticity no longer require referencing?"

I'm not sure if it ever did. Authenticity is just about being absolutely sure that the student did the work themselves without help, assistance or plagiarism.

I might be misunderstanding what you mean by 'referencing'.

12:18:50 From Susan Sykes to Everyone:

What about school students that don't work in the industry? – *I think this one was answered in terms of the reference to using a simulated environment or simulated policy/procedure.*

12:19:25 From Urmila Prasad to Everyone:

What about case studies for projects which the students have to base their projects on ? *I think this one was answered in terms of the reference to using a simulated environment (like case studies) or simulated policy/procedure.*

That's fine. Case studies are very useful in setting up a story/context for the student to do something – like a project.

12:19:37 From Shilpi Grover to Everyone:

If a student has not provided enough- will that be fail /NYS -(Slide 24)

Yes. The student would need to be reassessed (for the specific question they didn't provide enough on)

12:26:04 From Sandra Green to Everyone:

If the unit does not require them to assess multiple times over a period of time, wouldn't assessing more than once be considered over-assessing?

Question was answered by Coleen Rivas during question time towards the end of the webinar

It wouldn't be considered over-assessing, but I also understand that we want to streamline assessment wherever possible. You could demonstrate the student's ability to perform in different contexts and environments with a supplementary third-party report.

12:26:42 From Urmila Prasad to Everyone:

That's practical - industry based, what about Simulation based cases?

[I think this one was answered in terms of the reference to using a simulated environment](#)

Not sure of context of question.

12:29:17 From Patrick Scharf to Hosts and panelists:

Assessment of Overseas skilled persons.

Current challenge in Electrical as a Licensed trade outcome is set by National and state Regulators, but training Package does not yet, align to the program yet. The time delay for Qualification issuance can be 6 to 12 months in the future. Current Training package is in update project phase by Powering Skills Organisation. but the Regulators determined the Essential performance capabilities that licensing requires. Current evidence collection is aimed at gaining the candidates evidence of the regulator Essential Performance Capabilities. to meet the newer package requirements. Making the Sufficiency, Quality and currency assessments against outdated Training package can be interesting. The present process follows a full RPL process including a fully observed practical. Your thoughts Please

This is an unfortunate issue that I've come across before. Sometimes the training package is out of date or just doesn't reflect current industry or licensing requirements.

I'd have to see the specific issues and discuss with SMEs, but sometimes we can contextualize the training package requirements. Sadly, there are sometimes where that just isn't the case, but we still must ensure that our assessment evidence is valid, so that does mean we have to assess both. The unit and the licensing requirements.

I don't like that answer either, but it is the way things are.

12:31:48 From Martina Limbach

So with technology changing, in the VR aspect, for Direct assessment - is that assessment valid?

That's an interesting question. The answer would depend on what you are assessing. But my first question would be about the assessment conditions of the unit. Generally, assessment needs to be carried out in the workplace or in a simulated workplace, and there is usually a statement about the use of suitable facilities, equipment and resources.

Each training package also has an implementation guide, and those guides also provide details on the facilities, equipment and resources required, particularly for simulated assessment. Generally, there is a requirement for simulation to reflect a real workplace.

There are also often other requirements like specific requirements about people, the environment etc.

I'm no VA expert, but I can't see how VA simulation would ensure that assessment conditions, and requirements for simulation facilities.

12:33:19 From Tanielle Dunne to Everyone:

Can you please give an example of what type of evidence will pass an audit

I need to take this one on notice and get a little more clarification. ASQA auditors will assess the evidence based on the rules of evidence – they'll be looking for:

- *Validity – that the evidence matches all of the UOC and assessment requirements (elements, PCs, foundation skills, PEs, KEs)*
- *Sufficient – that there is enough quality evidence to be confident the student has the knowledge and skills to be made competent*
- *Authenticity – that it is clear the work is the students genuine work (eg it wasn't AI generated or plagiarized – and they do use AI checkers)*
- *Current – That the evidence is recent. Its not old or out of date.*

The form the evidence takes is totally dependent on the unit, the cohort, the delivery method etc. It could be a combination workplace observation, simulations, projects etc.

I'm happy for you to email me to give me more detail on what types of evidence examples you'd like.

12:38:00 From Urmila Prasad to Everyone:

What about students hiring external parties to do their assessments?

Unfortunately identifying this is about the assessor noticing that the language or tone of the task doesn't match the learner's literacy levels etc.

Your RTO needs to have systems, policies and procedures in place that guide assessors on how to identify such plagiarism, and what actions should be taken.

If you suspect this, do not mark the student as competent. Either follow your RTOs systems and procedures around plagiarism or report your suspicions to your manager and ask them for formal written guidance. (I recommend you try to get instructions like this in writing)

12:38:41 From Katherine Chatto to Everyone:

what needs to happen if assessors are marking in different ways? (eg. one assessor is marking 'NYC' and one assessor will mark 'C' even if no observational comments/information were provided in assessment checklist)

*That is an issue of reliability (principle of assessment). Reliability requires that **“assessment evidence is interpreted consistently by assessors and the***

outcomes of assessment are comparable irrespective of which assessor is conducting the assessment.” (Clause 1.4 of new standards)

Each assessment task should have an assessor or marking guide that provides clear benchmarks, or example answers that assessors should be basing their assessment decisions on.

There should also be clear instructions to the assessor about how to implement and document the assessment task.

Either the RTO hasn't provided these very important guidance materials, or the assessors are not following the assessor guides.

Either way, the RTO should have systems in place, at the very minimum, validation of assessment decisions, that should be identifying these issues. Where issues like this are identified, the RTO should be taking remedial actions, whether that is fixing the assessment tool/system or disciplining and training assessors to ensure assessor guides are used, assessments are implemented and recorded properly and that decisions are reliable and consistent across the RTO.

If the RTO is not identifying these issues, they will be in a lot of strife if they are audited.

12:39:42 From Urmila Prasad to Everyone:

Are those assessments done by external parties are deemed as competent?

I'm not sure what you mean by external parties so I've answered a few ways

- 1. The only person doing the assessment should be the student. If an external party is doing the assessment, then it is absolutely plagiarism, and you must not deem the student competent.*
- 2. If you mean third-party reports, then you as the assessor are still the person who makes a competence decision. You can use that third party report as part of your evidence collection, but on its own, it is definitely not sufficient evidence to make a decision. It's ok as part of a suite of evidences you've collected (e.g. with an observation or other assessment you have conducted)*
- 3. If you mean a third-party organisation that your RTO has an agreement with. If the third-party's assessor meets all of the requirements to assess, then yes, that assessor can make a competency decision.*

12:39:50 From Daniel DUFFY to Everyone:

can we engage with more viva voce (verbal assessment performance testing?)

Absolutely. I recommend you do. Its safe direct evidence and eliminates the risks of plagiarism.

Don't forget to document (or record) the students responses.

12:40:30 From Morteza Tahmasebi Yamchelou to Everyone:

if the trainer believes the student has had the assessment done by someone else, like paid someone to do the assessment for them, based on poor class attendance and inactivity during the class, which documents they need to provide if they want to mark that student as incompetent?

You shouldn't be determining competence on a student's attendance or inactivity, but this might be something that raises suspicions of plagiarism.

If you suspect plagiarism, you should be following your RTOs Academic Integrity policy and procedure. And your RTO should have systems in place to help identify plagiarism (e.g. plagiarism software).

If your RTO does not have these systems in place, you should report your concerns to your RTO Manager. It's the RTOs obligation to have policies and procedures that you, as an assessor, can follow in such circumstances. If they don't then ask them to tell you what you should do (ideally in writing like email).

Never make student competent if you are not completely assured that the work is genuinely the sole work of the student.

12:43:37 From Suat Koay to Everyone:

For a role-play assessment e.g. team meeting. How do keep the evidence? Do we need to video all role-play?

Question was answered by Coleen Rivas during question time towards the end of the webinar

You don't have to video, but there are advantages in doing so. Firstly, it can be hard to assess everyone at the one time. A video will help to make sure you do have a chance to review individual performance by playing back the video.

Secondly, it can reduce the amount you need to write about the student's performance, because there is evidence of performance in the video.

But that won't eliminate the need for notes. You still need to comment on why you determined the performance was satisfactory.

12:51:10 From Sandra Green to Everyone:

Determining what is considered current is can be quite subjective.... what are some key things to consider?

It is subjective and can vary depending on the industry. I personally would not be happy if all the evidence in front of me was over 1-2 years old. There might be some evidence that is older, but it would need to be paired with very recent or current evidence.

2 years might be a safe bet in some industries, for example retail, where there probably hasn't been major changes to the sector in the past 24 months. But if I was assessing a social media marketing task, I'd want to see evidence from the past year, because with AI, and the ever-changing landscape of social media, a lot has changed in the last year.

12:53:01

From Neha Rohilla to Everyone:

"As assessors, we can tell that a student has copied content using AI tools, but we don't have enough evidence to prove it to the student—especially since not all organisations have access to Turnitin or similar plagiarism detection tools. How should we mark the work as plagiarised in such cases?"

I think that RTOs really do need to ensure that assessors do have access to these types of detection tools, and my feeling is that ASQA will be looking for evidence of these types of systems in future audits.

ASQAs Draft Practice Notes on assessment state that one of the known risks to quality outcomes is *"Insufficient systems of governance for academic integrity and mechanisms to identify and respond to academic cheating."*

Also, the following link states ASQA's risk priority for academic cheating.
<https://www.asqa.gov.au/how-we-regulate/risk-priorities/academic-cheating>

Note that the very first regulatory response listed on this page is that they are *"making clear our expectations that providers to have systems of governance for academic integrity"*

This means your RTO MUST have a system to deal with plagiarism. This would mean they need to have ways to detect things like AI plagiarism and provide assessors with clear directions and procedures on how to manage this.

That system should provide procedures for what you should do when you suspect or identify plagiarised work.

If your RTO doesn't have these systems in place, the best you can do is report your suspicion to your manager and ask them what action to take. **You should not mark the work as competent whenever you have such suspicions.**

12:53:22

From Caterina Romeo to Everyone:

Can you share what AI checker you use?

Personally, I use Grammarly, but that is a pay for use product. There are plenty of others. If you google "free AI detector" you'll find a variety of options that won't cost you anything.

12:53:43

From Leticia Ty to Everyone:

Is a work placement visit through a video call valid and compliant?

Do you mean in terms of undertaking assessment? It could be, depending on what you do during the video call.

For example, you could do a verbal/oral assessment, and that would be fine.

You could also observe the student completing a task during a video call (if it's possible for you to watch them via a video link). You could also do a role play or simulation, particularly if you are assessing a task that would be done via a video call in the real world (for example a presentation, a meeting, an interview etc.)

12:55:17

From Benedict Gunawan to Everyone:

can a third-party report be completed by someone who do not hold TAE or Assessors' skillset?

Yes. But it is important that you determine who is an appropriate third party because you need to be sure that the person making the report is qualified or authorised to do so. For example, the person is the student's workplace supervisor. We don't want work mates, friends or other biased people who don't have the authority or workplace expertise to make a report.

And don't forget to authenticate any reports. You want to make sure that the person who was supposed to make the report did make it. And that it wasn't doctored or changed before it was submitted to you.

And lastly, the third party is not making an assessment decision. They should just be reporting on their view of workplace performance or maybe authenticating work the student did in the workplace.

You as the assessor need to review the report, verify the report, then make a decision whether the evidence is suitable. Then combined with other evidence you collect; you will make a competency decision.

A third-party report alone is never sufficient. There must always be other evidence of skills and knowledge.

12:56:59

From Monique MUUSERS to Everyone:

the only extra thing that would have been great would be to speak on reasonable adjustment. i.e. if foundation skills include 'reading', 'writing' or 'oral communication' what kinds of flexibility can be given whilst ensuring the rules of evidence are adhered to.

Reasonable adjustment must never compromise the integrity of the assessment. We cannot 'reasonably adjust' out any requirement of the unit of competency, including foundation skills.

If the foundation skills have requirements regarding reading, writing or oral communication, then the student must demonstrate those skills.

If they cannot, they should not have been enrolled into the course. Sadly, sometimes students just can't achieve a competency. This is why it is so important to do things like LLN and digital skills assessment at enrolment. The new standards make this mandatory for all students. This is to ensure that assessors and students don't find themselves in situations where a student is unable to meet foundation skills.