5. Prescribed Examinations

5.1 For the purpose of determining whether a person has demonstrated a standard of competence equivalent to that required under section 4(1)(a) of the Act, pursuant to section 4(2) of the Act, ARB may require an applicant to undertake a prescribed examination.

5.2 A prescribed examination may assess whether an applicant has demonstrated the Academic Outcomes published by ARB, or any other standards, criteria or competencies published by ARB for this purpose.

5.3 A prescribed examination may consist of one or more of the following:

(a) assessment of eligibility;

(b) assessment of qualifications, training, professional experience or other evidence submitted by the applicant;

(c) assessment of a portfolio or other documentary material;

(d) written, in-person or online assessment or examination;

(e) interview by one or more examiners appointed by the Registrar;

(f) verification of the authenticity or authorship of material submitted by the applicant;

(g) any other assessment method approved by ARB for the purpose of determining competence under section 4(1)(b) of the Act.

5.4 ARB may publish eligibility requirements, assessment criteria, procedures, guidance, evidential requirements and other arrangements relating to prescribed examinations.

5.5 An applicant shall comply with any procedures or requirements published by ARB in relation to a prescribed examination.

5.6 No applicant shall be entitled to undertake a prescribed examination unless they have paid such fees as may be published by ARB.

5.7 The Registrar shall appoint such examiners as they consider appropriate for the purpose of conducting prescribed examinations.

5.8 The examiners appointed by the Registrar shall determine whether the applicant has demonstrated the required standard of competence.

Reviews of decisions

5.9 An applicant may request a review of a decision made under rule 5.8 only on one or more of the following grounds:

(a) material procedural impropriety in the conduct of the examination;

(b) manifest unfairness;

(c) that the decision was unreasonable in the public law sense.

5.10 A request for review under rule 5.9 must:

(a) be made within 28 days of notification of the decision;

(b) identify the ground or grounds relied upon;

(c) set out the reasons for the request and include any supporting evidence; and

(d) comply with any procedures published by ARB.

5.11 The Registrar may reject a request for review where satisfied that:

~~(a) the request would not create a reasonable prospect of an alternative decision being reached following review;~~

(a~~b~~) the request amounts only to disagreement with academic or professional judgment; or

(b~~c~~) the request is an abuse of process.

5.12 A review under rule 5.9 shall not constitute a reconsideration of academic or professional judgment except to the extent strictly necessary to determine the grounds of review.

5.13 A review under rule 5.9 shall be conducted by a person appointed by the Registrar who was not involved in the original examination decision.

5.14 Following a review under rule 5.9, the reviewer may:

(a) confirm the original decision under review;

(b) refer the applicant for further examination by the same or different examiners; or

(c) make such other procedural directions as they consider appropriate.

5.15 The Registrar may refuse to accept an examination outcome made under rule 5.8 only where satisfied that there has been material procedural irregularity, manifest error, fraud, or other exceptional circumstance.