Registered Independent Assessor

Code of Practice

Transport and Logistics industries

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Important: Please read this Code of Practice carefully. It contains important information about your responsibilities as a MITO Registered Independent Assessor and the standards of conduct and assessment practice expected of you.

Compliance with this Code of Practice is an essential condition of your registration.

By registering to become a MITO Registered Independent Assessor, you agree to comply with this Code of Practice.

Introduction

Thank you for choosing to become a MITO Registered Independent Assessor for the Transport and Logistics industries. As a MITO Registered Independent Assessor, you will be assessing the unit standards that reflect your area of expertise.

MITO contacts

The MITO website provides updates on assessment practice, news and information about upcoming events. It also provides links to information for your use.

If you need advice on this Code of Practice, contact the MITO Senior Advisor – Quality and Compliance (Transport) on 0800 88 21 21.

For information about moderation requirements, contact the MITO National Moderation Advisor on 0800 88 21 21.

Questions or comments relating to MITO assessment material can be emailed to resourcecomments@mito.org.nz.

NZTA approval

To be registered to assess unit standards to issue driver licence classes and driver licence endorsements, you need approval from NZ Transport Agency Waka Kotahi (NZTA) to become a course provider. Contact details can be found on the NZTA website.

If your application to NZTA is not successful, your application to MITO will also be declined.

Your responsibilities

As a MITO Registered Independent Assessor, you are required to:
Meet all health and safety requirements appropriate to the unit standard or standards being assessed. This means complying with the Health and Safety at Work Act 2015, and all other relevant regulations and procedures, including site safety before, during, and after completing assessments.

For assessment for driver licensing and endorsement purposes, understand and agree to comply with the requirements of the NZTA Statement of Approval Conditions for course providers.
Ensure that you comply with the principles of the Privacy Act 2020, particularly with respect to: • compliance with the Information Privacy Principles contained in the Act • having privacy officers who are adequately equipped to perform the duties of that role • having safeguards in place to protect against privacy breaches • the storage, use and disposal of personal information.
For driver licensing and endorsement assessment, maintain valid and current driver licences and endorsements for assessing the unit standards in your scope. You must immediately advise MITO of any change to the status of your driver licence.
Comply with all policies, procedures, standards and requirements which relate to MITO Registered Independent Assessors as described in this Code of Practice.
Demonstrate the necessary skill and knowledge required to make competent assessment judgements and carry out assessments in an objective, impartial and professional manner.
Provide candidates with current, authorised learning and assessment resources and comply with MITO's copyright and resource-use requirements.
Ensure that all communications, including print, email and website information, make it clear that credit for unit standards will be reported to NZQA through MITO in your approved capacity as a MITO Registered Independent Assessor.
Only assess the unit standards listed on your approved MITO Registered Independent Assessor scope.
Keep your skills and knowledge up-to-date in the areas you are assessing. Maintain certificates, qualifications or requirements for assessing the unit standards in your scope.
Participate in assessment observation visits conducted by MITO or an Industry Skills Board (ISB) and facilitate and cooperate fully with all observation and quality assurance activities.
Complete and maintain all assessment documentation in accordance with MITO’s requirements. Retain assessment documentation for a period of two years from the date of assessment.
Assess at least 20 unit standard assessments per annum. This requirement may be reduced if you only assess unit standards for a specialised purpose outside of driver licensing and endorsement. This will be determined on a case-by-case basis.
Participate in moderation as requested by MITO.
Report all results to MITO according to MITO’s reporting requirements.

Keep your contact details updated with MITO. Return calls and reply to emails as requested by MITO in a timely manner.
Achieve moderation outcomes in line with MITO's objective of nationally consistent, quality assessment decisions.
In a timely manner, inform MITO about anything that may affect your role as a MITO Registered Independent Assessor, including any of the following: • you want to be deregistered • your NZTA course provider status has changed • you are awaiting the hearing of charges against you in a civil or criminal court of law.
Assist candidates and MITO as needed in resolving appeals related to assessment results.
Declare any conflict of interest that may arise while you are a MITO Registered Independent Assessor.
Effect and maintain adequate insurance to cover standard commercial risks and the indemnities under this Code of Practice.

Professional standards

As a MITO Registered Independent Assessor, you are obliged to abide by professional standards. Failure to do so may result in deregistration.

You must:

- Undertake your assessment duties professionally, honestly, and ethically, while respecting the rights of others.
- Communicate professionally, both in writing and verbally, with individuals or organisations that you interact with in your role as a MITO Registered Independent Assessor.
- Respect candidates' privacy by only disclosing their personal or academic information to authorised parties.
- Not ask for or accept gifts, rewards, or benefits that may compromise or be seen to compromise your integrity, or the integrity of your role.
- Not behave in a manner that may bring MITO into disrepute.
- Take reasonable care with the security of information relating to assessments.
- Conduct all activity related to your role as a MITO Registered Independent Assessor in compliance with the Privacy Act 2020.
- Keep your MITO assessor stamp in a secure place.

Professional development

You must be committed to professional development in areas that are relevant to your role as an assessor. This includes maintaining and developing your knowledge of assessment practice and your area of technical expertise, as appropriate.

You must participate in a professional development session on MITO assessment and moderation policies and procedures at least once every three years.

Indemnity and liability

By carrying out assessment activities in accordance with this Code of Practice, you agree to indemnify MITO against any claim, liability, loss or expense (including legal fees on a solicitor client basis) brought or threatened against, or incurred by, MITO arising from or in connection with your carrying out assessment activities. This includes, without limitation, any claim, liability, loss or expense arising from or in connection with a breach by you of this Code of Practice, the Privacy Act 2020, the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, and any other applicable legislation or regulation.

For the avoidance of doubt, MITO shall not be liable in connection with your assessment activities for anything other than a willing breach by MITO of its obligations under this Code of Practice.

Intellectual property

All intellectual property rights, including copyright, in any learning materials, assessment materials, assessment tools, resources, templates, guidance documents, or other materials created by or on behalf of MITO, or otherwise provided to you by MITO (together, the “MITO Materials”), remain the sole property of MITO or its licensors.

Where you use learning or assessment materials that you purchase or license from third parties, or otherwise own (“Third-Party Materials”), nothing in this Code of Practice transfers ownership of those materials to MITO.

MITO grants you a limited, non-exclusive, non-transferable, and revocable licence to use the MITO Materials solely for the purpose of delivering your assessment activities in accordance with this Code of Practice.

Except with MITO’s prior written consent, you must not:

- Copy, reproduce, adapt, modify, translate, or create derivative works from the MITO Materials.
- Distribute, supply, publish, disclose, or make the MITO Materials available to any third party other than candidates participating in assessment activities conducted in accordance with this Code of Practice.
- Use the MITO Materials for any purpose other than the delivery of your assessment activities in accordance with this Code of Practice.

You must ensure that any use of Third-Party Materials in delivering your assessment activities:

- Complies with the applicable licence terms or conditions of use,
- Does not result in the copying, incorporation, or onward distribution of MITO Materials without MITO’s prior written consent.

You must take all reasonable steps to protect the MITO Materials from unauthorised use, copying, or disclosure.

Upon request by MITO, you must immediately cease using the MITO Materials and as directed by MITO, return or securely destroy all copies of the MITO Materials in your possession or control.

Conflict of interest

You must complete a Conflict of Interest form when you apply for registration or reregistration. If a new conflict of interest arises during your registration period, you must immediately notify MITO by submitting an updated Conflict of Interest form.

You must declare a conflict of interest when you have a private, personal, or business interest that could influence your objective professional judgement and your responsibilities to MITO as outlined in this Code of Practice.

A good test of whether a situation can be seen as a conflict of interest is whether others would trust your judgement if they knew the situation or relationship existed. For example, a potential conflict may arise if you are asked to assess a family member, or if you have a personal or employment-related issue involving a workplace where you conduct assessments.

Conflict of interest situations will be evaluated on a case-by-case basis and MITO will work with you to try and resolve the issue. For example, another assessor may be appointed to carry out assessment for the affected candidate or workplace. We will notify you of the outcome of a conflict of interest evaluation.

If the conflict of interest cannot be resolved, you may be deregistered.

Assessor scope

MITO authorises you to assess candidates against the unit standards within your approved assessor scope. Approval of assessor scope is based on demonstrated technical expertise in the relevant industry area, supported by evidence of current and verifiable industry experience, relevant qualifications, professional practice, and any other information required by MITO.

The unit standards that you are authorised to assess are listed within your approved assessor scope. If you want to extend your assessor scope, you must apply through the MITO Independent Assessor Portal and provide evidence of the qualifications, industry experience, and technical competence relevant to the additional unit standards. Unless otherwise approved by MITO, you must hold the unit standards you want to assess on your NZQA Record of Achievement before they can be added to your assessor scope.

MITO has no obligation to include unit standards that you request on your scope.

MITO registered assessor stamp

You must use your MITO assessor stamp on all assessments you carry out as a MITO Registered Independent Assessor.

Your MITO assessor stamp should only be applied to assessments that you assess and any relevant NZTA documentation, such as an NZTA course certificate.

When you use your stamp, you must ensure that the stamp mark left on the candidate assessment document clearly shows your registration number.

The stamp remains the property of MITO and must be returned if you are deregistered.

It is essential that you keep your MITO Registered Independent Assessor stamp in a secure place.

Assessment

As a MITO Registered Independent Assessor, you may only assess unit standards that are within both MITO's consent to assess and your approved assessor scope.

When conducting assessments, you must:

- Ensure that approved assessment materials are used.
- Evaluate all evidence submitted for assessment.
- Deliver NZTA driver licensing and endorsement courses in accordance with the Statement of Approval Conditions.
- For assessment of driver licensing and endorsement unit standards, prior to assessment, verify the candidate's identity against their New Zealand driver licence.
- Where a candidate has only a paper (temporary) driver licence, identity should be verified using alternative photographic identification, such as a passport. Where this is not possible, identity may be verified by comparing the candidate's signature against another document.
- Take all reasonable steps to ensure that the courses are conducted in a proper manner and are not compromised in any way by cheating, impersonation of candidates, or in any other manner.
- Assess in accordance with MITO's requirements and ensure all assessments are conducted fairly, validly, and consistently.
- Actively supervise candidates throughout theory assessment and directly observe candidates during practical assessments.
- Report the results to MITO through the Independent Assessor Portal within 10 working days of the assessment being completed.

Academic integrity

You must take reasonable steps to confirm that assessment evidence is authentic and is the candidate's own work. If you suspect cheating, plagiarism, impersonation, unauthorised collaboration, inappropriate use of artificial intelligence, falsified evidence, or another assessment integrity breach, do not finalise or report the assessment result. Secure the relevant evidence and refer the matter promptly to MITO for consideration under the MITO Academic Integrity Policy.

Maintain confidentiality. Do not make a final determination or impose disciplinary action unless authorised by MITO.

Providing effective feedback

It is important to provide candidates with constructive feedback about their performance. Effective feedback should:

- Be private – The discussion takes place in a quiet setting, free from interruptions, with enough time for both parties to engage fully.

- Constructive and motivating – Clearly explains what was done well and what needs improvement and offers specific advice on how to enhance performance. It aims to leave the candidate feeling motivated to make progress.
- Give an opportunity to improve – If appropriate, offers the candidate a chance to gather additional evidence or provide further explanations to address any gaps, while avoiding unnecessary repetition of the assessment. Use professional judgement to decide when this is suitable.
- Acknowledge achievement – Acknowledges and praises the candidate's achievements to reinforce their confidence in their abilities.

Assessment resources

All MITO-branded material is copyrighted to MITO. The reproduction and resale of this material is strictly prohibited. You must not copy MITO resources or store electronic copies in any information retrieval system.

All self-developed or purchased material that is not MITO material, and which you intend to use to assess the unit standards in your scope, must be submitted to MITO for pre-assessment moderation by the relevant industry standards board (ISB) before use. Charges may apply.

Any assessor who develops or substantially modifies assessment materials for use in assessment must hold Unit Standard 11552 *Design and evaluate assessment materials* before those materials are submitted to MITO for pre-assessment moderation.

You must not:

- independently submit assessment materials to any ISB for approval in connection with your assessment activities
- use assessment materials that have not been approved through the process determined by MITO.

You must ensure that assessment materials used are:

- aligned with the current version of the relevant standard and assessment requirements
- not superseded, expired, or withdrawn
- not identified by MITO or the relevant ISB as unsuitable for use.

You must immediately cease using any assessment materials if notified by MITO that the materials are no longer current, approved, or acceptable for use in connection with your assessment activities. For the avoidance of doubt, failure to comply with these assessment resources requirements may constitute a breach of this Code of Practice.

Assessment documentation

Your assessment decision must be transparent, that is, it must show clearly on the assessment material how you came to the assessment decision. The assessment documents must show all the evidence you used to decide the candidate's competence.

When you have completed an assessment, your details and the decision you made must be recorded clearly on the assessment material. You must sign, date and stamp the assessment material when the candidate is confirmed as competent. This is required assessment practice and is important for moderation and in case of an appeal against the assessment decision.

To make sure that there is an assessment audit trail, you must retain assessment documentation for a period of two years from the date of assessment.

Technical verification

A technical verifier is an industry expert who is employed in a role that enables them to testify to the candidate's competence.

A technical verifier must be used when it is necessary to verify that evidence is authentic to the candidate and that the candidate is competent in the technical requirements of the unit standard.

Assessing for secondary schools

If you provide assessment services to a secondary school for unit standards that are being assessed and reported using MITO's Consent to Assess and NZQA Provider Code, you must ensure that the school has a current MITO Assessment Access Agreement with MITO before undertaking any assessment activity. You must not conduct assessment or authorise the reporting of results under MITO's Consent to Assess where no such agreement is in place.

Assessment reporting

You must comply with the following assessment reporting requirements:

- In the Independent Assessor Portal, report all Achieved results for assessments you have conducted as a MITO Registered Independent Assessor.
- Achieved assessments must be reported within 10 working days of the assessment being completed.
- If you are assessing for a school that holds a MITO Assessment Access Agreement, report assessment results to the school within 10 working days of the assessment being completed.

Assessment appeals

You must tell candidates that they have the right to appeal an assessment result and explain how to submit an appeal. An appeal must be submitted to MITO in writing (email assessment.appeals@mito.org.nz) within 20 working days of the assessment and must state the decision being appealed, the reasons for the appeal, and the outcome sought.

MITO will acknowledge and manage the appeal. The assessor will be notified and may be asked to provide the assessment material, assessment records, and relevant information. MITO will arrange a fair and impartial review, which may include independent technical or assessment expertise. The candidate and assessor will be advised in writing of the outcome and the reasons for the decision.

A candidate who remains dissatisfied with the way the appeal was managed may use MITO's formal complaints process.

Moderation

The purpose of moderation is to ensure that assessment is fair, valid and consistent with the national standard. It also supports consistency in the assessment judgements made by different assessors. MITO moderation includes postal moderation and moderation observation visits for the purpose of ensuring compliance with this Code of Practice and applicable regulatory requirements.

Observation visits may include planned or unplanned onsite visits to locations where you conduct assessment activities and may involve observation of assessment activities.

MITO may also conduct reviews of assessment materials, records, systems, and processes relevant to your assessment activities, as well as discussions with candidates, employers, or others involved in the delivery of your assessment activities, where reasonably necessary to ensure compliance with this Code of Practice and applicable regulatory requirements.

For the purposes of moderation and compliance activities, you agree to provide MITO with reasonable access to premises, records, and relevant personnel; cooperate fully and act in good faith during any compliance review or visit; and implement any reasonable corrective actions or improvements identified by MITO within agreed timeframes.

MITO will exercise these rights reasonably and in a manner that minimises disruption to candidates and your operations.

MITO will notify you of your moderation requirements via email.

Material for moderation

You must submit assessment material and evidence for the number of assessments requested. The evidence you submit must enable the moderator to see how you arrived at your assessment decision and should include assessment material and evidence used during the assessment process and for recording and reporting results.

MITO prefers to receive material for moderation electronically (scanned and emailed). Moderation material posted to MITO should be copies, not original material.

If you are requested to submit material for moderation by post or email, you must provide the assessment material and evidence to MITO national office on or before the submission due date.

Material submitted for moderation must include:

- the assessed material
- assessor evidence guides or marking guides
- the assessment summary or reporting form.

Any assessment evidence that you submit for moderation must be identifiable as authentic to the assessed candidate. Remove commercially sensitive information that is not required for moderation.

Material submitted for moderation will not be returned.

You will receive a moderation outcome report from MITO when the moderation has been completed. MITO upholds the intellectual property rights and copyrights of other organisations and keeps all moderation outcomes and recommendations confidential to the parties involved.

Moderation visits

Moderation visits may be conducted to observe assessment in practice and may be either planned or unplanned. Where a planned visit is undertaken, you will be notified and a mutually suitable time will be agreed.

Appealing a moderation outcome

If you believe you have grounds to object to a moderation outcome you can, after discussing the matter with the National Moderation Advisor, appeal the outcome to the Manager Quality and Assessment.

Your appeal must:

- be in writing (email moderation@mito.org.nz)
- use the Moderation Appeal form (found on the MITO website) and be addressed to the Manager Quality and Assessment
- be received by MITO within 20 working days of the written notification of the moderation outcome
- state the reason for the appeal and the rationale for changing the moderation outcome.

The Manager Quality and Assessment will receive your appeal and manage the appeal process, which may include the involvement of the National Moderation Advisor and technical experts.

You and the National Moderation Advisor will be notified of the appeal decision within 10 working days of your appeal being received by MITO.

This is MITO's final decision under this appeal process. If you remain dissatisfied with the way the matter or appeal has been managed, you may make a complaint under MITO's formal complaints process.

Non-compliance

Non-compliance with the moderation system

Failure to comply with MITO's moderation requests will be considered non-compliance. Non-compliance may result in you being deregistered as a MITO Registered Independent Assessor (see section headed 'Deregistration' below).

Non-compliance with the national standard

If your assessment decision is not in keeping with the requirements of the unit standard or is not consistent with the national standard, it will be deemed 'Not at the National Standard' (NANS).

If the non-compliance is considered minor, the National Moderation Advisor will provide you with advice in the moderation outcome report and moderation outcome cover letter. You will be expected to take corrective action. If it is significant, the National Moderation Advisor may specify requirements for assessment that you must follow for future assessment and may require other submissions for moderation.

Your non-compliance with the national standard may indicate an issue that is also affecting other assessors. An instance of non-compliance may identify a wider issue affecting other assessors. This information helps MITO provide guidance, clarify requirements and support consistent assessment practice. The aim of moderation is continual improvement.

Ongoing non-compliance

In cases of ongoing non-compliance, MITO may take action which could result in the non-renewal of your registration, or deregistration.

You will be notified by MITO's Manager Quality and Assessment of the non-compliance action, which may include non-renewal and deregistration procedures. If you appeal this decision, your appeal must:

- be in writing

- state that it is an appeal of a decision about the non-renewal or deregistration decision
- provide the reasons for the appeal and the rationale for the outcome sought
- be received within 20 working days of MITO issuing the letter notifying the decision.

MITO's Manager Quality and Assessment will consider your appeal. The Manager Quality and Assessment's decision is final and may only be overturned through MITO's formal complaints process.

Registration, reregistration and deregistration

Registration

You are registered as an Independent Assessor on an annual basis. If the conditions of your registration or your responsibilities as a MITO Registered Independent Assessor have not been met, your registration may be reviewed.

To be considered for registration as a MITO Registered Independent Assessor you must meet the following requirements:

- Provide a copy of your criminal record check dated within three months of your application. This will be used, along with any other relevant information, to assess whether you are a fit and proper person to hold registration as a MITO Registered Independent Assessor. Applicants must demonstrate good character, personal and professional integrity, and conduct consistent with the responsibilities of the role.
- Provide proof of identity (e.g. passport, birth certificate or driver's licence).
- Demonstrate that you hold unit standard 4098 (Use standards to assess candidate performance).
- Within the previous five years, show that you have at least three years of relevant industry experience in the areas for which you are seeking assessor scope, supported by verifiable evidence of your technical competence, current industry practice, and relevant industry qualifications, or equivalent as determined by MITO.
- Provide a CV and other documentation, including qualifications, to show that you have the skill and knowledge appropriate to assess against the unit standards in your assessing scope.
- Comply with the assessment conditions and qualification requirements stated in the relevant unit standards and Consent and Moderation Requirements (CMR).
- Provide two written character references, dated within the last 12 months, that demonstrate your personal and professional integrity.
- Declare any conflict of interest relating to the areas in which you will be assessing.
- Provide a copy of your driver licence showing you hold the relevant 'I' endorsement if you will be assessing driver licence classes 2–5.
- Pay the applicable registration fee.
- Hold the unit standards on your NZQA Record of Achievement that you will be assessing.

- Hold a valid and current driver licence if you are assessing driver licence and endorsement or core driving unit standards.

Endorsement from industry is required if you are applying to assess any of the following:

- Load pilot class 1 and 2
- BESS (unit standard 23436)
- Commercial Road Transport Skills domain
- Driver Educator domain
- LCP – specialist education school transport assistance (SESTA)
- Steam driven vehicles
- Four-wheel drive
- Vessels' Port Operations - Tug Operations, and Pilot Launch Operations.

The decision to register an assessor is at MITO's discretion.

Reregistration

We will notify you before your registration expires. If you would like to continue as a MITO Registered Independent Assessor, you will need to apply for reregistration through the Independent Assessor Portal.

To be considered for reregistration, you must meet the criteria for registration and the following criteria:

- Show evidence of up-skilling that is relevant to your role as a MITO Registered Independent Assessor.
- Have met the annual moderation requirements set for you by MITO.
- Have met your responsibilities and requirements as a MITO Registered Independent Assessor.
- Have paid all fees and have no outstanding debt with MITO.
- Have reported all achieved assessment results to MITO, or in the case of a school's assessor reported them to the relevant school, through the Independent Assessor Portal.
- Have reported all achieved assessment results to MITO within 10 working days.
- Have reported at least 20 unit standard assessments for MITO per annum. This requirement may be reduced if you only assess unit standards for a specialised purpose outside of driver licensing and endorsement. This will be determined on a case-by-case basis.

MITO will determine whether you have met the above requirements.

The decision to reregister an assessor is at MITO's discretion.

Deregistration

At any time, you may request to be deregistered as a MITO Registered Independent Assessor by contacting MITO.

MITO may also deregister you if any of the following occur:

- You are not able to assess and report the minimum requirement for registration.
- You have not met a moderation requirement set by MITO.
- You have a conflict of interest in your role as an assessor that cannot be resolved.
- You have not assessed in accordance with, or abided by the requirements of, this Code of Practice.
- You have not met the professional standards required of a MITO Registered Independent Assessor outlined in this Code of Practice.
- You have not submitted an application for reregistration through the Independent Assessor Portal by the end of the registration period.
- MITO has been made aware that you have been convicted of a criminal offence and you are no longer deemed to be a fit and proper person for the role.
- Reasonable efforts have been made to contact you, but there has been no response to requests for information.
- You have failed, after one written and one oral request, to submit materials for moderation or to negotiate a change to the original request.
- You have acted dishonestly in the conduct of or recording of assessor outcomes.
- A complaint against you is upheld.
- Through your conduct, you have brought MITO into disrepute.
- You have not reported all results of assessments you have completed as a MITO Registered Independent Assessor to MITO.
- You have failed, after two requests, to report assessment results on time for unit standards or programmes or qualifications that you are registered to assess.
- NZTA has revoked your course provider approval or declined your application to become a course provider.
- You are convicted of an offence under the Land Transport Act resulting in the suspension or cancellation of a driver licence or licence endorsement. We will automatically cancel your registration for the unit standards related to the class of licence that has been suspended or cancelled by the courts.
- You have failed to meet the requirements of the reregistration process.
- You are no longer able to demonstrate the necessary skill and knowledge required to make competent assessment judgements and carry out assessments in an objective, impartial and professional manner.
- You have failed to settle accounts or fees with MITO that have been outstanding for more than 60 days.

Before deciding to deregister an assessor, MITO will notify the assessor in writing of the concerns, the relevant information being considered, and the possible outcome. The assessor will be given a reasonable opportunity to respond and provide relevant information. MITO will consider that response before making its decision and will communicate the decision, reasons, effective date and applicable appeal rights in writing.

Appealing a registration outcome

If you believe that you have grounds to object to a decision about your registration, reregistration, deregistration, or the allocation of your assessing scope, contact MITO to discuss the matter. If the matter is not resolved, you have the option to appeal the decision to MITO's Manager Quality and Assessment.

Your appeal must:

- be in writing
- state that it is an appeal of a decision about your registration, reregistration, deregistration or the allocation of your assessing scope
- provide the reasons for the appeal and the rationale for the outcome sought
- be received within 20 working days of MITO issuing the letter notifying the decision.

MITO's Manager Quality and Assessment will consider your appeal and decide on the outcome, which is final and may only be overturned through MITO's formal complaints process.

Information sharing

MITO may share information relating to you and your assessment activities with relevant regulatory, statutory, industry, and oversight bodies where reasonably required for compliance, quality assurance, moderation, or regulatory purposes.

Without limitation, this may include sharing information with bodies such as the New Zealand Qualifications Authority (NZQA), New Zealand Transport Agency (NZTA), Health and Safety regulators, Industry Skills Boards, moderation panels, or any successor or equivalent organisations.

You agree to:

- cooperate fully with MITO and any relevant regulatory or oversight body in relation to requests for information, documentation, or clarification concerning your assessment activities
- provide accurate, complete, and timely information when reasonably requested for compliance, moderation, audit, investigation, or quality assurance purposes; and
- consent to the lawful collection, use, and disclosure of information for these purposes, subject to compliance with the Privacy Act 2020 and any applicable confidentiality obligations.

The provisions of this Code of Practice relating to information sharing do not limit MITO's obligations under the Privacy Act 2020 or restrict MITO from sharing information where required or permitted by law.

General

Jurisdiction

This Code of Practice is governed by and in accordance with the laws of New Zealand. You and MITO submit to the exclusive jurisdiction of the courts of New Zealand in the interpretation and enforcement of this Code of Practice.

Updates to this Code of Practice

MITO may update this Code of Practice from time to time, including to reflect changes to its practices or for other operational, legal, or regulatory reasons. In such event, MITO will post the revised Code of Practice on its website, update the 'last updated' date and take any other steps required by applicable law.

Dispute resolution

Should any dispute arise between you and MITO and the course provider in connection with this Code of Practice or your role as a MITO Registered Independent Assessor, you and MITO will:

- first discuss the matter promptly and in good faith with a view to reaching an early resolution
- if the dispute is not resolved through discussion, refer the matter to arbitration in Wellington under the Arbitration Act 1996.

Relationships

Nothing in this Code of Practice creates a partnership between you and MITO or establishes either as an agent or representative of the other. Neither you nor MITO has the authority to bind one another or to incur any obligation or assume any responsibility on behalf of one another.

Nothing in this Code of Practice shall establish between you or MITO (or any of either's personnel) the relationship of employer and employee.

Nothing in this Code of Practice creates a learner-provider relationship between any third party and MITO unless expressly confirmed in writing.



MITO

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