

Office of the
TRAINING ADVOCATE



TRAINING ADVOCATE

2011 ANNUAL REPORT

March 2012

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The Honourable Tom Kenyon MP
Minister for Employment, Higher Education and Skills
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Dear Minister

I am pleased to present you with the 2011 Annual Report in accordance with section 25 (1) of the *Training and Skills Development Act 2008*.

The report provides an overview of activities undertaken during the 2011 calendar year as prescribed in the Training Advocate's *Charter of Functions*.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thérèse O'Leary'.

Thérèse O'Leary
South Australian Training Advocate

30 March 2012

CONTENTS

Training Advocate’s Overview	5
Legislation, Charter and Structure	7
Legislation	7
Charter establishing the Training Advocate’s Functions under the <i>Training and Skills Development Act 2008</i> (the <i>Charter</i>).....	8
Structure of the Office of the Training Advocate (OTA)	8
Financial Statement	8
Activity Data.....	9
International Education	10
Apprenticeships and Traineeships	10
Domestic Education	11
General Training matters	11
Other statistics	12
Report on Functions	13
Clause 1 - Promotion of employment, education and training	13
Clause 2 - Independent complaint handling	13
Clause 3 - Advocacy and Clause 4 – Information and Advice	13
Clause 5 - Monitoring the training system	14
Freedom of Information	15
Appendix A	16
Appendix B	17
Appendix C	18
Definitions.....	20
Flow Chart Example.....	21
Charter	22

Training Advocate's Overview

The preparation of this 2011 report provided me with the opportunity to reflect on the role of my office within a rapidly changing training environment in South Australia.

For example 2011 was another eventful year for the vocational education and training sector. Of note was the development of *Skills for All* to be implemented in July 2012. This is a major reform designed to provide people with access to a greater choice of learning opportunities which are more responsive to the needs of students and business.

There were also amendments to the *Training and Skills Development Act 2008* to strengthen regulatory compliance for vocational education and training. This included the introduction of harsher penalties for breaches of the *Act* and the provision for the Training Advocate to make public statements or give warnings about a training provider if satisfied that it is in the public interest to do so.

In addition the Training and Skills Commission released the update of their five year plan. This highlighted the opportunities and challenges ahead for improving skills and increasing qualifications and workforce participation.

On 1 July 2011, the Australian Skills Quality Authority (ASQA) was established as Australia's first national regulator for vocational education and training. Further to this, the Tertiary Education Quality and Standards Agency (TEQSA) was established to regulate and assure the quality of Australia's large, diverse and complex higher education sector from January 2012.

Also at the national level, the Overseas Student Ombudsman was introduced in July 2011. This provides an avenue for international students in all other states and territories to lodge a complaint about their international education experience with a private training provider. This initiative works in conjunction with the State Ombudsman in each State and Territory who is able to address complaints from overseas students studying with a public provider. It also

complements the work of the Office of the Training Advocate which has the authority to respond to complaints from international students in South Australia. This new national role is one of a series of measures which was recommended by the Baird Review of the *Education Services for Overseas Students (ESOS) Act 2000*, and is also reflected in the COAG International Students Strategy for Australia 2010-2014.

Within this changing environment, the Office of the Training Advocate played an important consumer protection role. In particular we responded to enquiries or complaints from 968 new clients who needed advice about some aspect of their employment and or training arrangement. Of these clients, 40% related to international education, 30% to apprenticeships and traineeships and 24% to domestic education. The remaining 6% related to general training matters.

There was a reduction in the number of international education clients from 620 in 2010 to 385 in 2011. However, it would appear that the number of students we assisted in 2010 was primarily due to the closure of several Training Providers in that year. It is noted that in 2011, some 33% presented with multiple issues that often required the involvement of a number of agencies to resolve.

The number of domestic education clients we assisted increased by 26% from 2010, although the types of issues were similar to those raised in previous years. The most commonly raised issues related to the terms and conditions of assessments as well as issues regarding course fees.

There was marginal increase in the number of clients with issues relating to apprenticeships and traineeships from 256 in 2010 to 296 in 2011. We supported 33 apprentices and trainees access the South Australian Industrial Relations Commission which included four matters conducted in regional South Australia.

As outlined in the Training Advocate's *Charter of Functions*, there is the provision for me to represent the views of our clients in contributing to the State's skill development strategies. I was also pleased to participate in a number of ways this year.

Of significance was the opportunity for me to participate as a member of the International Student Round Table chaired by the Minister. This is an exciting initiative for South Australia where students have a forum to discuss key issues which impact on them. As a result, there will be a focus on a number of areas over the next year. In particular these will relate to accommodation, cultural and social engagement, student safety, health and wellbeing, employment and consumer protection. While it was a privilege to hear directly from the students about their concerns, it was pleasing to receive numerous accounts about their positive experiences and an appreciation of the network of agencies and educational institutions working together to support them.

I also contributed to a project conducted by the Fair Work Ombudsman's office to improve information and advice for apprentices and trainees relating to wages and working conditions.

As I usually mention each year, the South Australian Training Awards provide an important opportunity to showcase the achievements of those who excel in vocational education and training. In particular, individuals are recognised for developing their skills and gaining qualifications while training providers and employers are acknowledged for their commitment to training.

At the Australian Training Awards, South Australians were also recognised on the national stage for winning the following categories: Vocational Student of the Year; Small Employer of the Year; and the Large Training Provider of the Year. In addition the second place Awards for the Australian School-based Apprentice of the Year and VET Teacher/ Trainer of the Year were received by South Australians.

I congratulate all nominees and in particular the winners for their accomplishments in these prestigious state and national awards.

Although it is relatively simple to provide statistical information about the types of issues we deal with and how many clients we assist, it is much more difficult to measure how effective our service has been. However, in 2011 we received noticeably more comments than in

previous years. These were from clients expressing their appreciation for intervention which resulted in their successful participation in their employment or learning programs. Naturally this would not be possible without the very dedicated, skilled and committed staff, all of whom are passionate about promoting the rights of those engaged in employment and training. I thank them all for their contribution.

While I do not usually identify individual staff members in my report, I would like to acknowledge Shirley Hall who retired in 2011 from her role as Investigations Officer. Shirley had been in this position since the Office of the Training Advocate was first established in mid 2003. The significant contribution she has made during this time will always be remembered and appreciated.

During 2011 my office continued to receive resources from the Department of Further Education, Employment, Science and Technology (DFEEST) for which I thank Mr Raymond Garrand, Chief Executive and his staff.

In summary, I look forward to further contributing to consumer protection strategies to complement the new national regulatory regime. I also welcome the implementation of *Skills for All* during 2012 and the learning opportunities which will become available to many South Australians through this initiative.



Thérèse O'Leary
South Australian Training Advocate

Legislation, Charter and Structure

Legislation

The *Training and Skills Development Act 2008* (the *Act*) was proclaimed on 1 September 2008.

The *Act* relates to higher education, vocational education and training, adult community education and education services for overseas students.

The objects of the *Act* are to further the State's economic and social development through the operations of the Training and Skills Commission, also established under the *Act*.

The *Act* includes the provision of advice on workforce development, the registration of training providers, course accreditation, arrangements for traineeships and apprenticeships and protections for students.

The Training Advocate was established under Part 2 Division 4 of the *Act* with functions designed to enhance consumer protection and to focus on monitoring the effectiveness of the training system.

The Training Advocate's functions are described in a *Charter* in accordance with s 21 of the *Act*. This *Charter* was prepared by the Minister after consultation with the Training Advocate and the Training and Skills Commission. As required by the *Act*, copies were laid before both Houses of Parliament on 25 September 2008.

The Training Advocate is subject to the direction, in writing, of the Minister, however no Ministerial direction may be given in relation to an investigation undertaken in performing the functions (s 22 (1) and (2)).

Pursuant to s 25 (2) no written directions were received from the Minister under this *Act* in 2011.

Pursuant to s 25 (1) of the *Act*, a report on the Training Advocate's activities for the preceding calendar year must be provided to the responsible Minister on or before 31 March in

each year. This report must include any direction given by the Minister during that year.

Division 5 Part 5 of the *Act* provides the Training Advocate with the powers necessary to carry out the functions. Under this Part, s 72 (1) and (4) provide the Training Advocate with the power to request or provide information to or from a prescribed authority. In addition, s 73 (1) prescribes the power to enter and inspect training or employment premises to address training related matters.

On 30 May 2011 the *Training and Skills Development (Miscellaneous) Amendment Act (Commencement) Proclamation 2011* came into operation to strengthen consumer protection. As a result:

- penalties were increased in a number of instances for non-compliance or breaches under Part 3 of the *Act* that relates to higher education, vocational education and training and education services for overseas students.
- s 36 provides a new heading: 'Inquiries and interventions' and two new subsections inserted providing greater power to the Training and Skills Commission to enable it to take appropriate action.
- under s 41 (2) the Training Advocate, if satisfied that it is in the public interest to do so, may make a public statement identifying and giving warnings or information about a matter that adversely affects or may adversely affect the interests of persons in connection with their Training Providers.

Pursuant to s 41 (2) no public warning statements were made by the Training Advocate in 2011.

Charter establishing the Training Advocate's Functions under the *Training and Skills Development Act 2008* (the *Charter*)

The *Charter* refers to the 'training system' which, consistent with the *Act*, comprises higher education, vocational education and training (including apprenticeships and traineeships), adult community education and education services for overseas students.

The functions are designed to improve access and effective participation in employment and skill formation opportunities, and to contribute to strategies which raise the quality and responsiveness of the training system in South Australia.

The functions, which provide the basis for services available to clients or prospective clients of the training system, are described in the *Charter* (Page 22) under five clauses:

- Clause 1 Promotion of employment, education and training
- Clause 2 Independent complaint handling
- Clause 3 Advocacy
- Clause 4 Information and advice
- Clause 5 Monitoring the training system

Administrative guidelines have been developed to underpin the implementation of the functions.

In 2011, activity was undertaken in accordance with each function and this is summarised on pages 13 - 14 of this report.

Structure of the Office of the Training Advocate (OTA)

The Training Advocate is supported by an Investigations Officer, three Client Advisers and an Information Officer. These officers carry out functions under delegated authority in accordance with s 23 of the *Act*.

In supporting clients with their questions or concerns about the training system, clients can expect a service that is:

- **accessible** - *easy to use and free*
- **equitable** - *fair and respectful*

- **responsive** - *individually tailored and confidential*
- **effective** - *achieves the best possible results*
- **communicative** - *educative and informative*
- **accountable** - *taking responsibility for actions*

The OTA is located on the ground floor, 55 Currie Street, Adelaide with an entrance at Bus Stop W1.

Office hours are weekdays between 8.30am and 5.30pm. The toll-free telephone number, 1800 006 488, is also monitored after hours to respond to urgent messages.

The Training Advocate can be contacted at trainingadvocate@sa.gov.au

The website can be accessed at www.trainingadvocate.sa.gov.au

To enable clients to access the services of the Training Advocate, other support can be provided including:

- TTY (through the National Relay Service)
- counter hearing system phone for the hearing impaired
- Auslan interpreters
- interpreting and translating
- consultation at an alternative location (including rural locations) where appropriate.

A confidential client register has been developed to manage complaints and enquiries lodged with the Training Advocate. This register captures comprehensive information that relates to the functions of the Training Advocate. It also facilitates the ability to identify emerging patterns or trends associated with the training system.

Financial Statement

The Department of Further Education, Employment, Science and Technology (DFEEST) provides the resources required for the OTA to function.

The financial report for the OTA is incorporated within DFEEST's financial statement audited by the Auditor-General's Department and published for the South Australian Parliament.

Activity Data

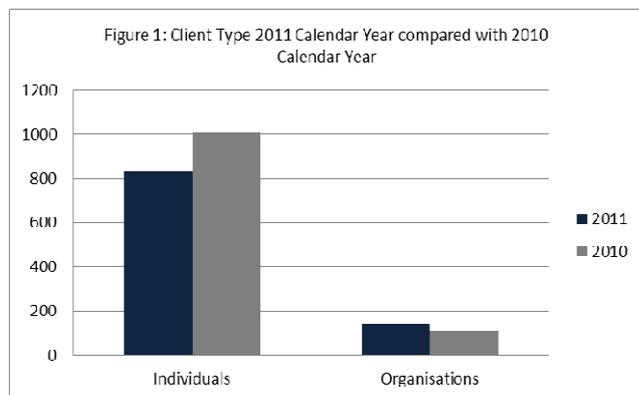
This section provides a general summary of activities undertaken in accordance with the Training Advocate's *Charter of Functions* during 2011.

It provides brief information about client groups, the types and categories of enquiries or complaints and how these were managed. Other demographic information and key issues raised by clients is also included.

This data only relates to information gathered from new clients who contacted the Office of the Training Advocate (OTA) in 2011. It should be noted that the number of OTA clients is a very small proportion of the actual number of people engaged in the South Australian training system.

In 2011, 968 new clients accessed the services of the Training Advocate compared with 1119 new clients in 2010. In 2011, 828 clients were classified as individuals and 140 clients as organisations.

(Figure 1 – Organisational and Individual clients are described on page 20).



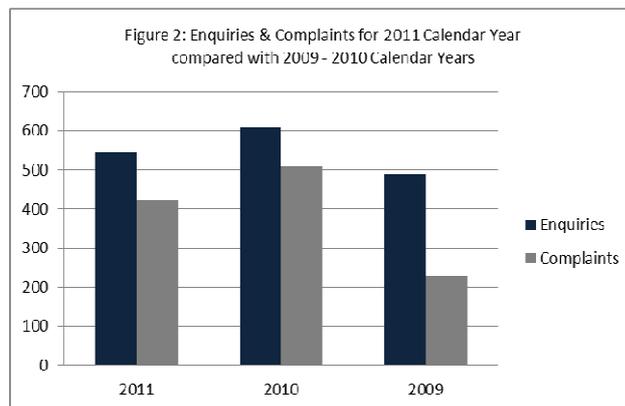
At the initial consultation, each client is provided with information to enable them to make an informed choice about how they may wish to address their particular issue. A client may choose to deal with the matter themselves or request support from the OTA. Alternatively, if the OTA is not the appropriate agency to address the matter, the client will be referred to the relevant agency. If required the OTA can support a client to access any alternative

agency. An example of the options available for clients is outlined in the flow chart on page 21.

71% of cases were complex and required tailored case management by the OTA. Following consultation, the remaining 29% were referred to a more relevant agency for attention with support and assistance from the OTA. In many instances the OTA managed multijurisdictional enquiries or complaints that required the involvement of a number of agencies.

In 2011, 424 complaints were received compared with 544 enquiries and these figures are compared with the two previous years below.

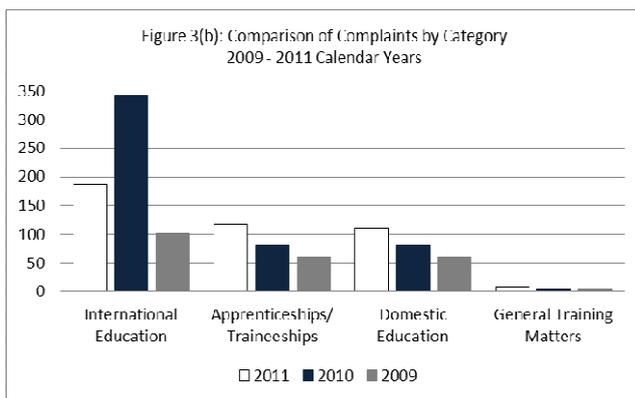
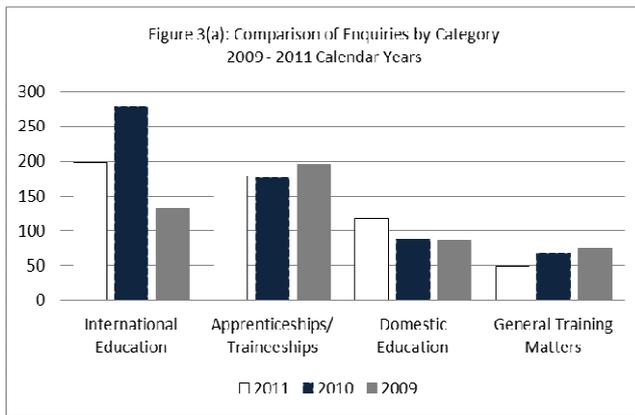
(Figure 2 - Enquiries and complaints and the categories are described on page 20).



Each enquiry or complaint is classified by the OTA into one of four categories:

- International Education
- Apprenticeships and Traineeships
- Domestic Education
- General Training Matters.

The following tables illustrate the comparison of enquiries against the four categories (Figure 3(a)) and complaints against the four categories (Figure 3(b)).



The following section briefly defines each category and summarises the most commonly raised topics which incorporates both enquiries and complaints.

International Education

This category captures information which relates to international students studying in South Australia. International education is underpinned by the *Education Services for Overseas Students (ESOS) Act 2000* and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

In 2011, 385 new international education clients accessed the services of the OTA compared with 620 in 2010. The additional number of clients assisted in 2010 may have been due to the closure of several Training Providers in that year. In 2011, while the majority of issues raised were similar to those dealt with in 2010, 33% presented with multiple issues that often required the involvement of a number of agencies to resolve. The key topics relating to international education included:

- visa obligations which require a student to maintain satisfactory academic progress and satisfactory course attendance
- course fees, refunds and other commercial arrangements with Training Providers
- processes required to transfer to an alternative provider to undertake a new course of study
- student accommodation
- field placements required in conjunction with completing a qualification

Of the 385 international education clients, 262 elected to identify their country of origin which indicates that the majority of students were from India followed by China. Other areas are identified in Appendix A on page 16 of this report.

The *ESOS Act* also makes provision for international students to access an external complaints or appeals process. In South Australia the OTA conducts independent external appeals under Clause 2.3 of the *Charter*. Primarily, a student will access the external appeal process if they are dissatisfied with the result of, or conduct of, their Training Provider's internal complaints handling process. In 2011 25 requests for external appeals were received from international students, compared with 24 in 2010 and 30 in 2009.

Apprenticeships and Traineeships

This category captures information which relates to apprenticeships and traineeships in South Australia. The regulatory framework is outlined in Part 4 of the *Training and Skills Development Act 2008 (the Act)*.

Clause 2 of the *Charter* makes provision for the Training Advocate to provide an independent complaint handling process in relation to training contracts. This enables the Training Advocate to work to resolve matters arising out of apprenticeships and traineeships.

In 2011 296 clients were assisted, compared with 256 in 2010. In 2011 40% were registered as a complaint. It is also noted that some 189

clients listed more than one issue for attention. In the main the key topics were similar to those in previous years and include:

- the terms and conditions of the employment and training contract such as termination, suspension or other variations to the contract
- wages and other working conditions such as entitlements, supervision and support for training both on and off the job
- processes for lodging a formal complaint in relation to aspects of the employment or training contract.

The *Act* also makes provision for grievances and disputes to be lodged with the South Australian Industrial Relations Commission (SAIRC). Clause 3 of the *Charter* makes provision for the Training Advocate to speak for and negotiate on behalf of an apprentice or trainee in the resolution of matters. In this regard support is provided to apprentices or trainees during the SAIRC process.

In 2011, 33 apprentices/trainees were supported through the SAIRC process, where four were conducted in regional South Australia. In comparison, the OTA assisted 25 apprentices/trainees to access the SAIRC in 2010 and 21 in 2009.

Domestic Education

This category captures information which relates to the delivery or administration of training by a provider registered to deliver nationally accredited training as outlined in Part 3 of *the Act*. It also includes Adult Community Education, schools delivering vocational education and training and domestic students studying at university.

Clause 2 of the *Charter* makes provision for the Training Advocate to provide an independent complaint handling process in relation to the provision of higher education, vocational education and training, and adult community education. It enables the Training Advocate to work to resolve matters arising out of the delivery of education and training.

In 2011, the OTA assisted 229 clients, compared with 169 clients in 2010. In 2011 this comprised of 48% complaints and 52% enquiries which is similar to the proportion of complaints and enquiries received in 2009 and 2010. It is noted that in 2011, 100 students required assistance with more than one issue. The most commonly raised topics related to:

- methods used for the delivery of a training program and the terms and conditions of assessment
- access to additional and tailored learning support within the education and training environment
- course fees and other commercial arrangements between a Training Provider and student
- access to a Training Provider's informal and formal complaint process.

In 2011 one enquiry was received relating to Adult Community Education.

General Training Matters

This category captures information relating to a range of other areas of the training and employment system.

There were 58 clients in 2011 of which 19 clients requested information about more than one issue. The most common questions asked related to:

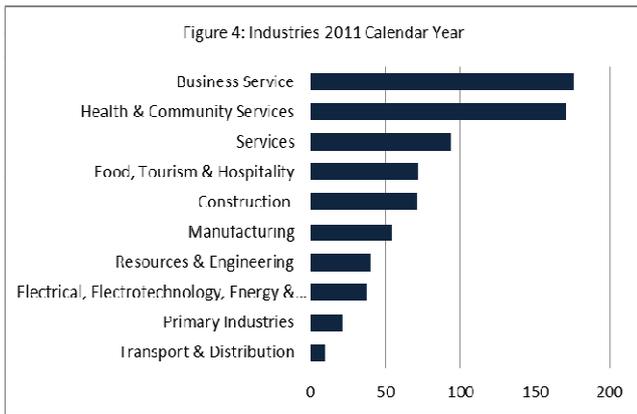
- the types of training and employment programs available and how to access funding
- how to access information about course content
- accessing information about industry requirements e.g. licences

Other statistics

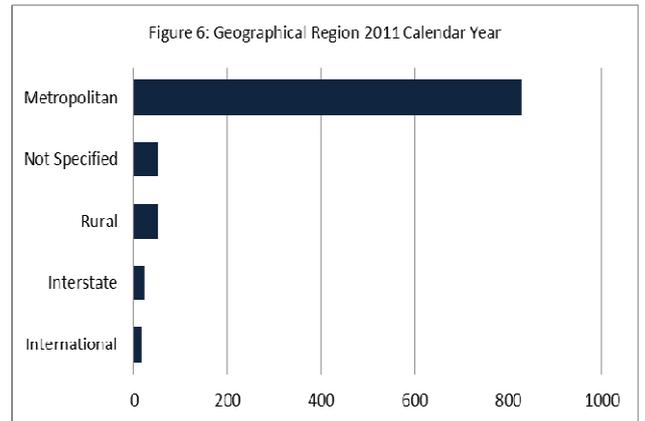
Industry Categories

Of the 968 new clients assisted in 2011, some 746 clients identified their industry and vocation of study at the time of lodging a complaint or making an enquiry with the OTA (Figure 4).

The vocations within each industry category are outlined in Appendix B on page 17.

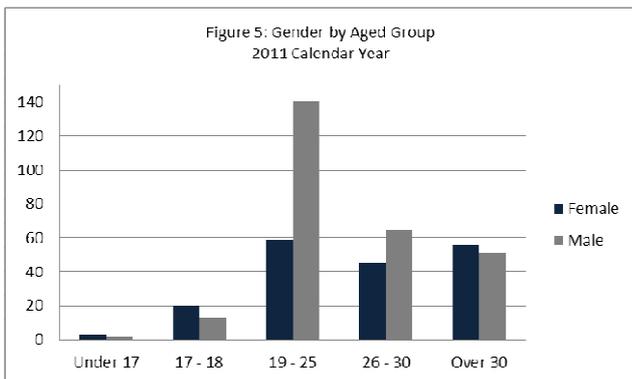


As outlined below (Figure 6), the OTA continued to receive requests for assistance from a small number of clients living overseas or interstate. In general these clients are either enrolled with or seeking information about a South Australian based organisation.



Demographic Information

Of the number of clients who elected to identify their age, the majority (44%) were in the 19 – 25 year age bracket. This is similar to the previous two years (Figure 5).



Report on Functions

This section provides an overview of the types of actions taken in 2011 against the functions outlined in each Clause of the *Charter of Functions (the Charter)*.

Clause 1 - Promotion of employment, education and training.

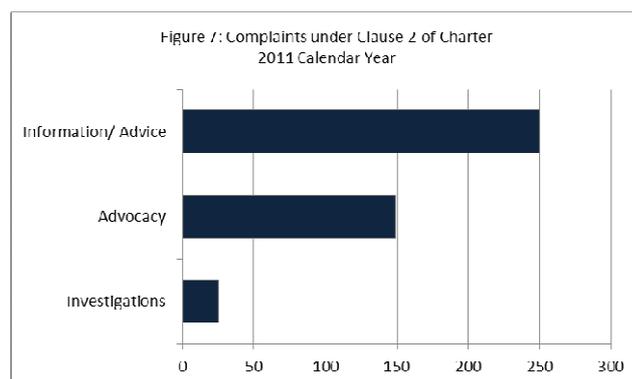
This function makes provision for the Training Advocate to promote the benefits of higher education, vocational education and training and adult community education. It also indicates that the Training Advocate will promote the development of employment and skills formation policies and procedures.

In 2011, a range of activities were undertaken by the Training Advocate. Examples are provided at Appendix C on pages 18 -19 of this report.

Clause 2 - Independent complaint handling process

This function outlines that the Training Advocate will provide an independent complaints handling process and investigate complaints. This relates to the provision of higher education, vocational education and training, education services for overseas students, adult community education and training contracts. Complaints handling can be achieved through one of a number of methods such as investigation, mediation, advocacy or negotiation. In 2011 the majority of matters were managed by providing specialist advice and guidance to the client.

The types of formal investigations conducted primarily relate to external appeals lodged by international students in accordance with the *ESOS Act 2000 (Figure 7)*.



Clause 3 – Advocacy and Clause 4 – Information and Advice

All clients who lodged an enquiry in 2011 were provided with advocacy or information and advice in accordance with the functions described in Clauses 3 and 4 of the Charter. In particular Clause 3 makes provision for the Training Advocate to speak for and negotiate on behalf of a client. Clause 4 makes provision for a client to receive relevant information and individually tailored advice to enable them to make an informed decision about how to respond to their particular enquiry.

In 2011, the majority of clients were case managed by providing specialised support, advice and information to assist them to address their particular enquiry.

Clause 5 - Monitoring the training system

This function makes provision for the Training Advocate to monitor the administration of the *Act* and make recommendations, if any, for legislative change.

During consultation with clients, issues which may potentially impact on the quality of the training system are identified. In this regard such matters are referred to the relevant agency or regulatory body for action. In addition, the views of clients can be represented when there is an opportunity for the Training Advocate to comment on strategies to improve consumer protection and the quality and responsiveness of the training system.

The 2011 examples are briefly summarised as follows:

Australian Skills Quality Authority (ASQA)

In 2012, South Australia will refer regulatory powers of vocational education and training to the Australian Skills Quality Authority (ASQA). Consultation with ASQA in 2011 highlighted the Training Advocate's role in relation to consumer protection and quality assurance in South Australia. In this regard working arrangements between the Training Advocate and ASQA will be developed in early 2012.

Skills for All

During 2011, DFEEST continued to consult with the Training Advocate in relation to implementing *Skills for All*. Three key areas were raised which related to ensuring that the public has access to accurate information, access to specific assistance or help if required and an avenue to address any concerns if they arise.

Strategic Review of the Student Visa Program

Consideration of future migration and skills needs for Australia was examined through a national Strategic Review of the Student Visa Program 2011 (the Knight Review). This review provided the Training Advocate with an opportunity to raise areas of importance. In this regard students require clarity about their rights and obligations under the international education framework. This framework encompasses the

ESOS Act 2000, the Australian Quality Training Framework and Australia's immigration legislation. In particular there is a need for all those engaged in international education to have a common understanding of the regulatory framework and terminologies associated with international education. In addition it was suggested that there is a need to have more accurate information, both on and off shore, and improved monitoring of education agents who provide advice to prospective international students. This also applies to the provision of accurate information about industry and or professional requirements for those seeking employment in Australia after gaining a qualification.

Institutional Trade Training

In some trades, individuals have the option of undertaking institutional trade training in preference to gaining a qualification through an apprenticeship arrangement. In 2011, some clients expressed a concern about their employment prospects after completing their institutional based training. The Training and Skills Commission, through the Training Regulation Reference Group, will explore whether the graduates of institutional trade training arrangements are work ready and are meeting industry standards. The Reference Group will consult with industry stakeholders during 2012.

Consumer Protection

Many members of the community are unaware of how to access help when a situation impacts negatively on them or their family. As such a group of statutory authorities identified the need to develop rights protection information intended to inform people about how they can access the services available to them in South Australia. This resulted in a brochure entitled '*Your Right to be Heard*' which contains key information about a range of agencies in relation to their consumer protection functions. These agencies are listed in Appendix C page 18.

Freedom of Information

The *Freedom of Information Act (FOI) 1991* provides members of the public with a legally enforceable right of access to information held by agencies, subject to specific exemptions. Under section 9 of the *FOI Act*, State Government agencies must publish an up to date information statement every 12 months. Information statements must be published in the agency's annual report, on a website maintained by the agency, or both.

Structure and function of the Training Advocate

The structure and functions of the Training Advocate are described elsewhere in this report.

With respect to Clause 2 of the *Charter of Functions* (independent complaint handling processes), the Training Advocate is declared an exempt agency under the *Freedom of Information Act 1991* through the *Freedom of Information (Exempt Agency) Regulations 2008*.

Public Participation

The Training Advocate contributes to strategies which raise the quality and responsiveness of the training system in South Australia. These contributions may include comments on discussion papers, submissions on particular topics and/or provides input into legislative reform and policy initiatives.

Types of documents held

Documents (including correspondence and administrative records) held by the Office of the Training Advocate (OTA) include:

- administrative guidelines
- internal policies and procedures
- correspondence in relation to a client's enquiry
- accounts records

Records are held using a variety of media including hard copy and electronic formats such as emails. In addition, the Training Advocate captures information on its Confidential Client Register which is used to manage clients' enquiries or complaints.

It should be noted that because the Office of the Training Advocate is resourced by the Department of Further Education, Employment, Science and Technology (DFEEST), it adopts many of the Department's internal operating policies.

Access to documents

Applications made under the *FOI Act* must be made in writing, specifying that they are made under the *FOI Act*, include an address in Australia to which correspondence may be sent, be accompanied by either the prescribed application fee or proof of financial hardship, and should be addressed to:

The FOI Officer
Office of the Training Advocate
GPO Box 320
Adelaide South Australia 5001
Phone: 8226 4380

Applications for access should be made between 9.00am and 5.00pm Monday to Friday. The Application forms can be found at <http://www.archives.sa.gov.au/foi/forms.html>

Freedom of Information – Statistical Reporting

In 2011 the Training Advocate received no formal requests for information under the *FOI Act*.

Appendix A

In 2011, 385 international education clients were assisted by the Office of the Training Advocate. Of these, 262 elected to identify their country of origin, as shown in table below.

India	175	Russia	2
China	33	Sri Lanka	2
Korea	6	Columbia	1
Vietnam	5	Ethiopia	1
Hong Kong	4	Fiji	1
Kenya	4	Greece	1
Africa	3	Japan	1
Pakistan	3	Mexico	1
Saudi Arabia	3	Peru	1
Egypt	2	Zambia	1
Iran	2	Scotland	1
Malaysia	2	Turkey	1
Papua New Guinea	2	United Kingdom	1
Philippines	2	Zimbabwe	1

Appendix B

In 2011, the Office of the Training Advocate assisted 968 new clients. Of these, 746 elected to nominate the industry and vocation relating to their enquiry or complaint.

176 Business Service

Vocation	Number
Business Services	104
Management	26
Financial Services	23
Information Technology	11
Asset Security	6
Assessment and Workplace Training	4
Printing & Graphic Arts	1
Property Development and Management	1

71 Construction

Vocation	Number
Carpentry & Joinery	21
Plumbing & Gasfitting	20
Bricklaying	9
General Construction	6
Painting & Decorating	6
Floor & Wall Tiling	5
Civil Construction	3
Plastering	1

37 Electrical, Electrotechnology, Energy & Water

Vocation	Number
Electrician/ Refrigeration	32
Electrotechnology	5

72 Food, Tourism & Hospitality

Vocation	Number
Cooking	26
Hospitality – General	26
Butchering	10
Baking and/ or Breadmaking	5
Tourism	3
Food Processing	2

171 Health & Community Services

Vocation	Number
Health – Other	67
Community Services – Other	65
Community Services – Child Care	20
Community Services – Aged Care	16
Health – Dental	2
Correctional Services	1

54 Manufacturing

Vocation	Number
Auto Retail, Service and Repair	36
Metal & Engineering	11
Automotive Manufacturing	5
Manufactured Mineral Products	1
Textiles, Clothing & Footwear	1

21 Primary Industries

Vocation	Number
Horticulture	15
Conservation & Land Management	2
Farming	2
Animal Care Management	1
Racing	1

40 Resources and Engineering

Vocation	Number
Mechanics (Diesel & Plant)	9
Metal Fabrication	8
Mechanical Engineering	6
Miner	4
Civil/ Structural Engineering	3
Electronics/ Instrument Engineering	3
Accounting/ Commerce	2
Geoscience	2
Mining Engineering	2
Community Relations	1

94 Services

Vocation	Number
Hairdressing	53
Beauty	16
Retail	9
Visual/ Creative Arts, Craft & Design	4
Sport	3
Fitness Industry	2
Entertainment	1
Film, TV, Radio & Multimedia	1
Florist	1
Music	1
Pharmacy	1
Real Estate	1
Recreation Industry	1

10 Transport & Distribution

Vocation	Number
Aviation	2
Storeworker	5
Transport	3

Appendix C

Clause 1 - Promotion of employment, education and training

The following examples highlight the 2011 activities undertaken by the Training Advocate and or staff. These related to participating in stakeholder meetings, responding to consultations, delivering presentations or attending training related functions. In brief these included:

Participation:

- Overseas Student Experience - Cross Agency Support Services Coordination - Information stakeholder meetings hosted by the Department of Further Education, Employment, Science and Technology
 - Workplace Arrangements for Traineeships and Apprenticeships - Information stakeholder meetings hosted by the Department of Further Education, Employment, Science and Technology
 - International Student Round Table Chaired by the Minister for Employment, Higher Education and Skills
 - *Building the Evidence : HIV Prevention in Culturally and Linguistically Diverse (CALD) Populations Workshop* to develop key strategies outlined in the SA Health's HIV Action Plan 2009 -2012.
 - New Workers' rights and obligations Roundtable hosted by the Employee Ombudsman and Equal Opportunity Commission
 - Rights Protection Training & Community Education Group hosted by Equal Opportunity Commission
 - Law Week Expo - Courts Open Day - Information Stand hosted by the State Ombudsman and included information about the WorkCover Ombudsman, Equal Opportunity Commission, Health Commissioner and Training Advocate
- Royal Adelaide Show - *Your Right to be Heard* at the Show. The information Stand hosted by the State Ombudsman to increase public awareness about rights and the types of services which are available. These include: Guardian for Children and Young People; Equal Opportunity Commissioner; Employee Ombudsman; The South Australian Ombudsman and Commonwealth Ombudsman; Public Advocate; Health and Community Services Complaints Commissioner; Police Complaints Authority; Commissioner for Consumer Affairs; Training Advocate; Commissioner for Victims' Rights; Public Trustee; and WorkCover Ombudsman.

Consultations:

- The Australian Government's Strategic Review of the Student Visa Program 2011 conducted by the Hon Michael Knight AO
- South Australian Government's Health in All Policies Initiative - Overseas Student Health and Wellbeing Project hosted by SA Health
- *Think Before* - an international student safety initiative. Stakeholder meeting regarding a proposal to expand the concept of this initiative which provides on-line safety information to international students.
- Fair Work Ombudsman's *Australian Apprenticeship System Fair Start Project*
- Australian Skills Quality Authority regarding the role of the Training Advocate
- The implementation of the Overseas Student Ombudsman and the role of the Office of the Training Advocate

Presentations:

- Taiwan Education Delegation on behalf of the Ministry of Education in Taiwan to examine quality assurance and protection systems for international students in Australia
- New Workers' Rights and Obligations presentations
- Meetings with - The Training and Skills Commission and the Training Regulation Reference Group of the Training and Skills Commission
- International Education Stakeholder Forum hosted by Department of Further Education, Employment, Science and Technology
- International Student Induction Series hosted by the Australian Council for Private Education and Training on Health and Wellbeing
- Office of the State Ombudsman regarding the role of the Training Advocate
- South Australian Office of the Commonwealth Ombudsman regarding the role of OTA and newly established Overseas Student Ombudsman
- Australian Apprenticeship Centre - Mission Australia Apprenticeship Solutions
- Australian Apprenticeship Centres' Managers meeting hosted by the Department of Education, Employment and Workplace Relations

Attendance at functions:

- Launch of International Student Card containing information about Office of the Training Advocate, Study Adelaide and SA Police
- The 2011 Lord Mayor's welcome to international students
- CEDA SA Skills and Workforce Development Forum hosted by the Training and Skills Commission
- English Australia's National Conference Reception
- TAFE SA Regional Opening of Victor Harbour campus
- 2011 South Australia Training Awards Ceremony
- Governor's Farewell to international students and Award presentation
- Education Adelaide - Film Launch at the Mercury Cinema – Stories of international student experiences
- International Education Stakeholders Reception hosted by International Education Association of Australia Board
- TAFESA Fashion Parade Graduation Ceremony
- Education Adelaide - End of Year stakeholder function
- The Working Women's Centre SA Inc Annual General Meeting

Definitions

An explanation of the terms used in this report is as follows:

Enquiry – request for information about any aspect of the training system. Enquiries from international students may also include enquiries about any aspect of living, working or studying in South Australia.

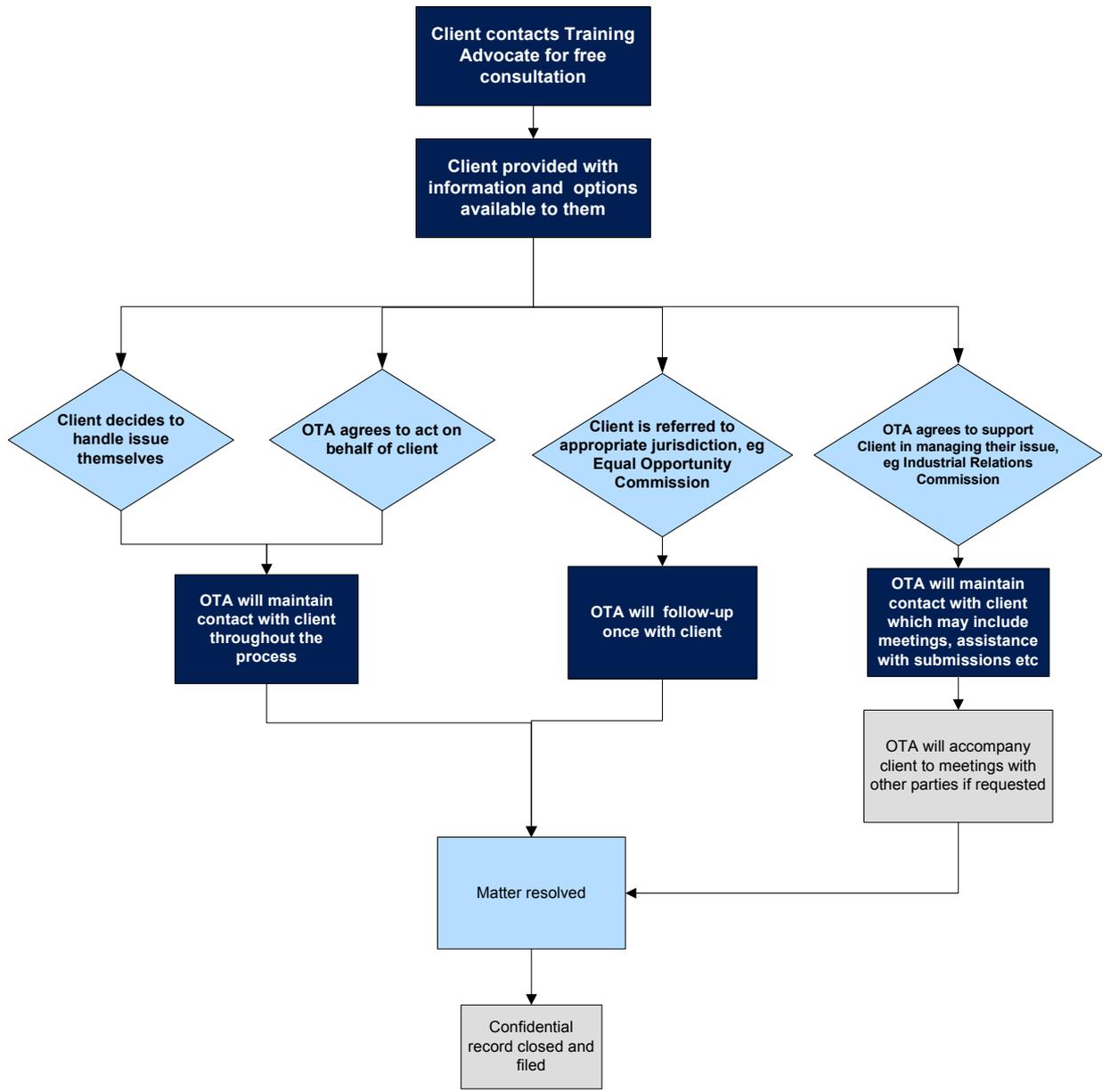
Complaint – an expression of dissatisfaction with any aspect of the training system, a formal complaint, the registration of a concern, or assistance sought in dealing with a training related grievance or dispute.

Client – any person or organisation contacting the Office of the Training Advocate. The clients are then identified for statistical purposes as either an individual or an organisation as follows:

- **Individuals** - apprentices, trainees, domestic students, international students or their representatives (e.g. parents, friends, unions, migration agents), trainers, and members of the public. Individual clients can access a service tailored to their specific circumstances. An example of the service provided is outlined in the flow chart on page 21.
- **Organisations** – employers, Registered Training Providers, Australian Apprenticeships Centres, schools, peak bodies and government agencies. Primarily, organisational clients are provided with information, advice and or assistance in relation to systemic issues.
- **International student** - is classified as a person holding a visa type (categorised by the Department of Immigration and Citizenship (DIAC)) which is recognised by the *Education Services for Overseas Students (ESOS) Act 2000*.

- **Domestic Student** – is classified as a person undertaking studies (either full-time or part-time) who is not classified as an international student or an apprentice or trainee.
- **Apprenticeships and Traineeships** relate to apprenticeships and traineeships under Part 4 of the *Training and Skills Development Act 2008 (the Act)* which provides the regulatory framework for the apprenticeship and traineeship system in South Australia.
- **General Training Matters** – relates to information of a general nature about the training and employment system which does not fall within any other category.

Flow Chart Example – Client Consultation Process



For evaluation purposes, and with your consent, you may be invited to participate in providing feedback about the services you have received from the Office of the Training Advocate

CHARTER

Office of the TRAINING ADVOCATE



Government of South Australia
Office of the Training Advocate

Charter establishing the Training Advocate's functions under the *Training and Skills Development Act 2008*

The office of the Training Advocate is established under section 18 of the *Training and Skills Development Act 2008* (the Act). The Training Advocate is an independent statutory authority charged with the functions set out in this Charter in accordance with section 21 of the Act.

The functions are designed to enhance consumer protection by improving access and effective participation in employment and skill formation opportunities, and to contribute to strategies which raise the quality and responsiveness of the training system in South Australia.

This Charter refers to the "training system" which, consistent with the Act, comprises higher education, vocational education and training (including apprenticeships and traineeships), adult community education and education services for overseas students.

An expression defined in the Act that is used in this Charter has the same meaning as in the Act.

Functions

The Training Advocate has the functions set out under the following 5 clauses:

Clause 1. Promotion of employment, education and training

The Training Advocate will:

- 1.1 promote the benefits of higher education (other than that provided by a State University as defined in the Act), vocational education and training and adult community education in the State;
- 1.2 promote the development of employment and skills formation policies and procedures.

Clause 2. Independent complaint handling process

The Training Advocate will:

- 2.1 provide an independent complaint handling process and investigate complaints (other than those deemed to be trivial or vexatious) relating to the provision of higher education, vocational education and training, education services for overseas students, adult community education and training contracts.

- 2.2 work to resolve matters arising out of:
 - 2.2.1 the delivery of education and training; and/ or
 - 2.2.2 apprenticeships and traineeships under Part 4 of the Act

The independent complaint handling process may include:

- the investigation of a complaint;
- the negotiation and mediation of matters arising out of a complaint;
- reporting the outcome of any such process

Clients may include:

- participants or prospective clients of education and training providers;
- training providers;
- apprentices or trainees;
- employers

The Training Advocate may:

- 2.3 under an agreement entered into with a provider of education services registered under the Education Services for Overseas Students Act 2000 of the Commonwealth:
 - 2.3.1 provide an independent complaint handling process;
 - 2.3.2 investigate complaints;
 - 2.3.3 make recommendations in relation to complaints;

relating to the provision of education services to the clients of the provider.

Clause 3. Advocacy

The Training Advocate may:

- 3.1 speak for and negotiate on behalf of education and training providers and clients (and prospective clients) of education and training providers in the resolution of any matters arising out of the delivery of education and training;
- 3.2 speak for and negotiate on behalf of an employer or an apprentice/ trainee in the resolution of any matters arising under Part 4.

Clause 4. Information and advice

The Training Advocate will:

- 4.1 provide information and assist people to navigate the training system in South Australia;
- 4.2 give advice on the powers that may be exercised in relation to matters arising under the Act.

Clause 5. Monitoring the training system

The Training Advocate will:

monitor the administration of the Act and make recommendations (if any) for legislative change.

Authority

Part 5, and sections 72 and 73 of the Act provide the Training Advocate with powers necessary to enable the Training Advocate to carry out the functions given by this Charter, including powers to obtain information, question people, require records or documents and inspect any premises.

Administrative Guidelines

The Training Advocate publishes guidelines that support the implementation of the functions.
See www.trainingadvocate.sa.gov.au

Reporting

Section 25 of the Act requires the Training Advocate, on or before 31 March in each year, to provide the Minister with a report on the Training Advocate's activities for the preceding calendar year. This report will be tabled in Parliament.

The Training Advocate and the Training and Skills Commission have been consulted in the preparation of this Charter in accordance with section 21(1) of the Act.

This Charter will come into force and be binding on the Training Advocate on 4 September 2008.

The Hon Paul Caica, MP
Minister for Employment, Training and Further Education

