

Office of the  
**TRAINING ADVOCATE**

**South Australian  
TRAINING ADVOCATE**

**2013 ANNUAL REPORT**



March 2014

Office of the Training Advocate

GPO Box 320

Adelaide South Australia 5001

Ph: 1800 006 488

Fax: 8226 4278

[trainingadvocate@sa.gov.au](mailto:trainingadvocate@sa.gov.au)

[www.trainingadvocate.sa.gov.au](http://www.trainingadvocate.sa.gov.au)



Government of South Australia

Office of the Training Advocate

Ground Floor West  
55 Currie Street  
ADELAIDE SA 5000

(entrance at Bus Stop W1)

GPO Box 320  
Adelaide SA 5001  
DX 541

Toll Free: 1800 006 488

Tel (08) 8226 4242

Fax (08) 8226 4278

ABN 16 692 317 206

[www.trainingadvocate.sa.gov.au](http://www.trainingadvocate.sa.gov.au)

The Hon Gail Gago MLC  
Minister for Employment, Higher Education and Skills  
GPO Box 1671  
ADELAIDE SA 5001

Dear Minister

I am pleased to present you with the 2013 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 2013 calendar year as prescribed in the Training Advocate's *Charter of Functions*.

Yours sincerely,

A handwritten signature in blue ink that reads 'Thérèse O'Leary'.

Thérèse O'Leary  
South Australian Training Advocate

28 March 2014

# CONTENTS

<b>Training Advocate’s Overview</b> .....	5
<b>Legislation, Charter and Structure</b> .....	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
<b>Activity Data</b> .....	9
International Education .....	10
Apprenticeships and Traineeships .....	11
Domestic Education.....	11
General Training matters .....	12
Other Information.....	13
<b>Report on Functions</b> .....	14
Clause 1 - Promotion of employment, education and training .....	14
Clause 2 - Independent complaint handling .....	14
Clause 3 - Advocacy and Clause 4 – Information and Advice .....	14
Clause 5 - Monitoring the training system .....	14
<b>Freedom of Information</b> .....	16
<b>Appendix A</b> .....	17
<b>Appendix B</b> .....	18
<b>Appendix C</b> .....	20
<b>Definitions</b> .....	22
<b>Flow Chart Example</b> .....	23
<b>Charter of Functions</b> .....	24
<b>References</b> .....	25

## Training Advocate's Overview

I am pleased to present the Annual Report which highlights activities undertaken by the Office of the Training Advocate during the 2013 calendar year.

The Office is the State's public contact point for questions or complaints about any aspect of the training system in South Australia. In this context, the training system comprises vocational education and training, higher education, apprenticeships and traineeships, international education and adult community education.

It is important to reflect on the services provided by the Office, particularly given the continued demands on the training system to respond to skill development and meet the expectations of those engaged in training.

Of note is that the number of people participating in vocational education and training has increased significantly under the State's *Skills for All* arrangements, which were implemented in mid-2012. The Department of Further Education, Employment, Science and Technology's (DFEEST) Annual Report indicates that in the first 12 months, there was a 43% increase in publicly funded enrolments. It highlights that this comprised 64% at Certificate III level or higher. In addition, it outlines that this equates to 147,100 qualification enrolments, an extra 44,299 enrolments compared to 2011-12<sup>1</sup>.

In November 2013, the Training and Skills Commission released the update of their five-year plan. This plan highlighted the opportunities and challenges ahead for improving skills and increasing qualifications and workforce participation. The plan also stressed the importance of the Commission's ongoing role to monitor the quality of the training system in

South Australia, in conjunction with the Office of the Training Advocate, given that the Commission no longer regulates Training Providers<sup>2</sup>.

This Office continues to play a critical role in identifying and responding to concerns about quality and where appropriate, refer matters to the relevant regulatory body. In this regard working relationships have been established with key agencies including the national Vocational Education and Training regulator - the Australian Skills Quality Authority (ASQA).

As outlined in more detail in this report, the Office operates in accordance with the Training Advocate's *Charter of Functions*. In brief, there are five key functions which include:

- to promote the benefits of employment, education and training
- to provide an independent complaints handling process
- to provide advocacy
- to assist people navigate the training system and provide information and advice
- to monitor the training system

In accordance with the *Charter*, our services continued to perform a valuable consumer protection role for those engaged in training during 2013. We responded to enquiries or complaints from some 1,018 new clients seeking advice, support or advocacy about some aspect of their employment and or training arrangement. Of these, 17% related to international education, 38% to domestic education, and 43% to apprenticeships and traineeships which is an increase from 30% in 2012. The remaining 2% related to other general training matters.

As outlined above, there was an increase in the number of clients with issues relating to

<sup>1</sup> [DFEEST Annual Report 2012/13 \(page 9\)](#)

<sup>2</sup> [Skills for Jobs five-year plan \(Executive Summary\)](#)

apprenticeships and traineeships from 347 clients in 2012 to 432 in 2013. Of these, some 61 apprentices/trainees were supported through the Industrial Relations Commission of South Australia (IRC) compared with 45 in 2012. This process involves providing assistance to the apprentice or trainee in preparing for and attending the IRC conciliation meeting which can be daunting, particularly for a young person.

In this regard, we also strengthened the working relationships with other support networks for apprentices and trainees. In particular these include the Apprenticeship Brokers within the Department of Education and Child Development and the Australian Industry Group Apprentice Mentors. Involvement with these networks has promoted better access to information and the support available from our Office.

A key event for international students in 2013 was an Induction Program hosted by Education Adelaide and DFEEST in conjunction with SAPOL and this Office. The session provided an opportunity for students to discuss aspects of living and working in South Australia such as safety in the community along with information about visa conditions. The students were particularly interested in the sessions relating to tips for writing job applications and preparing for an interview.

In addition, the South Australian Government's *Health in All Policies Initiative – Overseas Student Health and Wellbeing Project*, managed by SA Health was finalised. This resulted in a draft 'International Student Health and Wellbeing Fact Sheet' for publishing in early 2014. I understand that this will be the first of its kind as it is designed to enable students to access comprehensive information about a range of health services<sup>3</sup>.

Each year, I have the opportunity to celebrate the outstanding achievements of individuals,

---

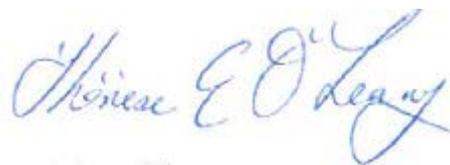
<sup>3</sup> [International Student Health and Wellbeing Fact Sheet](#)

training providers and employers who demonstrate their commitment to learning and skill development. This annual event, the South Australian Training Awards, is hosted by the Training and Skills Commission. I was delighted to attend this function in September and congratulate all the nominees and winners of these prestigious awards<sup>4</sup>.

In summary, the majority of matters dealt with by the Office in 2013 were resolved through a conciliatory approach. This has only been possible through highly skilled staff in my Office. The staff are committed to ensuring that people are able to make informed decisions in order to successfully participate in their employment and training arrangements and work toward gaining a qualification. I sincerely thank them all for their significant contribution during 2013.

I also extend my gratitude to Mr Raymond Garrand, Chief Executive of the Department of Further Education, Employment, Science and Technology and his staff for the resources provided to the Office in 2013.

I look forward to continuing as Training Advocate for a further term and carrying out the functions designed to improve access to and effective participation in employment and skill formation opportunities. I also look forward to working with all those engaged in the system by contributing to strategies which raise the quality and responsiveness of the training system in South Australia.



Thérèse O'Leary

**South Australian Training Advocate**

---

<sup>4</sup> [SA Training Awards](#)

## Legislation, Charter and Structure

### Legislation

The *Training and Skills Development Act 2008* (the Act) was proclaimed on 1 September 2008 and related 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, 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 section 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 (section 22 (1) and (2)).

Pursuant to section 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.

Pursuant to section 25 (2), no written directions were received from the Minister under this Act in 2013.

Division 5 Part 5 of the Act provides the Training Advocate with the powers necessary to carry out the functions. Under this Part, section 72 (1) and (4) provide the Training Advocate with the power to request or provide information to or from a prescribed authority. In addition, section 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.

Under section 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 section 41 (2), no public warning statements were made by the Training Advocate in 2013.

On 26 March 2012, South Australia referred the powers, relating to Part 3 of the Act, to the Commonwealth. Part 3 of the Act (Higher Education, Vocational Education and Training and Education Services for Overseas Students) made provision for the registration of training providers and accreditation of courses. The relevant Commonwealth authorities are the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality Standards Agency (TEQSA).

### **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 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 24) 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 2013, activity was undertaken in accordance with each function and this is summarised on pages 14 and 15 of this report.

### **Structure of the Office of the Training Advocate (OTA)**

The Training Advocate is supported by an Investigations Officer, an International Student Services Advisor, two Client Advisors and an Information Officer (January - June 2013). These officers carry out functions under delegated authority in accordance with section 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.

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](mailto:trainingadvocate@sa.gov.au)

The website can be accessed at [www.trainingadvocate.sa.gov.au](http://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)
- Auslan interpreters
- interpreting and translating
- consultation at an alternative location where appropriate, including rural locations.

A confidential client register is maintained 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 2013. The functions relate to:

- 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

Complaints received by clients are registered against Clause 2 and a range of processes, including negotiation, advocacy and mediation are utilised to resolve the matter presented to the Office of the Training Advocate (OTA).

This section also 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 OTA in 2013. As in previous years, it is 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.

Every effort has been made to ensure the accuracy of the data at the time of publishing this report.

In 2013, 1,018 new clients accessed the services of the OTA compared with 1,158 in 2012 and 968 in 2011. Of the 1,018 new clients, 852 were individuals and 166 were clients from

organisations. It is noted that there were 55 more organisations in 2013 than in 2012.

*(Classification of clients - page 22).*

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 jurisdiction. Where 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 23.

In 2013 the majority of clients were case-managed by the OTA and in many instances it was necessary to engage a number of other agencies to achieve an outcome for the client. A small number of clients were referred directly to a more relevant agency to address their particular situation. In 2013, the types of alternative agencies included the Australian Skills Quality Authority, the Equal Opportunity Commission, Legal Services Commission and Department of Immigration and Border Protection.

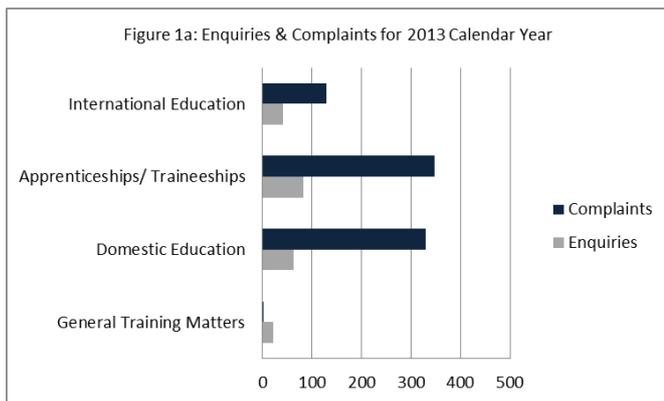
In 2013, there were 809 complaints and 209 enquiries. While the overall number of new clients was slightly lower than in 2012, the proportion of complaints to enquiries remained the same.

*(Enquiries and complaints and the categories are described on page 22).*

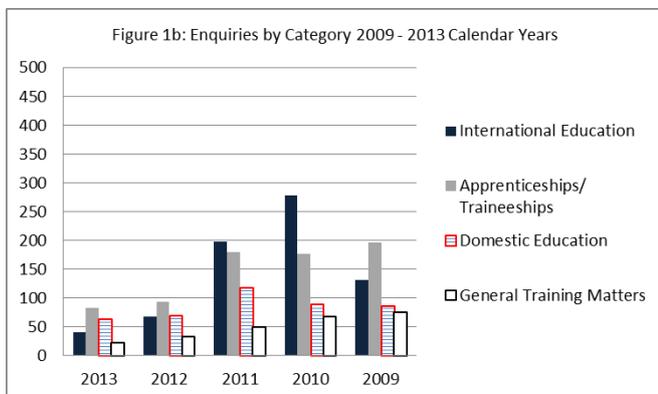
Each enquiry or complaint received is classified by the OTA into one of the four following categories:

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

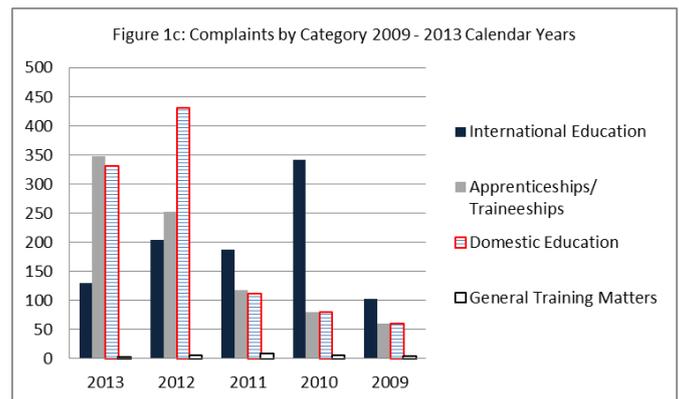
The following diagram indicates the total number of clients (1,018), whether an enquiry or complaint, across these categories (Figure 1a).



The following table illustrates the comparison of 'enquiries' against the categories over five years (Figure 1b).



The comparison of 'complaints' against the categories over five years is outlined in Figure 1c.



The following section briefly describes each category and summarises the most commonly raised topics incorporating both enquiries and complaints.

### International Education

This category captures information which relates to international students studying in South Australia. An international student holds a visa to study in Australia and one which specifically relates to either the school sector, the vocational education and training sector or the higher education sector. 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 2013, 171 new international education clients accessed the services of the OTA of which 76% were complaints. It is noted that the overall number of clients was considerably lower in 2013 compared with 272 in 2012 and 385 in 2011.

A total of 218 issues were presented by the 171 clients in 2013 and the majority of issues raised were similar to those dealt with in previous years. The key topics relating to international education included:

- *student visa study obligations*: These included issues relating to a student maintaining satisfactory academic progress or satisfactory course attendance during a study program as required under an international student visa

- *administrative processes*: These related to issues for students such as seeking to transfer to an alternative training provider to undertake a new course of study
- *commercial arrangements*: These related to issues such as course fees, refunds and other contractual arrangements that related to a training provider's policies.
- *the terms and conditions of the employment arrangements under the Training Contract*: These included matters relating to termination, suspension or completion of the Contract. In addition, issues related to other Contract variations such as seeking credit for prior experience or an adjustment to the number of hours worked per week
- *wages and other working conditions*: These matters included those relating to wages and other entitlements, supervision, workplace behaviours and support for on the job training
- *training arrangements*: These included issues relating to academic records, training fees and to Training Provider closures which required transition to alternative training arrangements.

Of the 171 international education clients, 96 clients elected to identify their country of origin. This indicates that the majority of clients were from India (43) and China (21). Other countries are identified in Appendix A on page 17 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 their training provider's internal complaints handling process. In 2013 there were 21 requests for an external appeal received from international students.

### **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 and work towards resolving matters in relation to an apprenticeship or traineeship Training Contract.

In 2013, 432 new apprenticeship/traineeship clients were assisted by the OTA compared with 347 in 2012 and 296 in 2011. Some 81% of cases were registered as a complaint compared with 73% in 2012. It is also noted that there was a total of 698 issues addressed on behalf of the 2013 clients in this category.

In the main, the key topics were similar to those in previous years and included:

The Act also makes provision for grievances and disputes to be lodged with the Industrial Relations Commission of South Australia (IRC). 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 IRC processes.

In 2013, 61 apprentices/trainees were supported through the IRC process compared with 45 apprentices/trainees in 2012 and 33 in 2011.

### **Domestic Education**

This category captures information which relates to the delivery or administration of training by a provider registered to deliver nationally accredited vocational education and training. These Providers must be registered by the Australian Skills Quality Authority to deliver training in South Australia. It also includes adult community education, students participating in vocational education and training at school and domestic students studying higher education. The regulation of higher education is administered by the Tertiary Education Quality and Standards Agency.

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. The *Charter* also enables the Training Advocate to work to resolve matters arising out of the delivery of education and training.

In 2013, the OTA assisted 391 new clients compared with 500 in 2012 and 229 clients in 2011. It is noted that in 2012 the higher number of clients accessing the services of the OTA could be attributed to the closure of a Training Provider during that year. In 2013, 84% of new cases received were complaints, which is similar to 2012.

It is also noted that there were 698 issues addressed on behalf of the 2013 domestic clients. The most commonly raised issues related to:

- *academic matters*: These included issues regarding assessment criteria, recognition of prior learning and access to additional and tailored learning support
- *commercial arrangements*: These included issues relating to course fees, subsidised training, refunds and other terms and conditions of the study program as they relate to a training provider's policies
- *work placements*: These included issues such as locating a suitable worksite to undertake a work placement as a requirement for completing a qualification
- *on-line study programs*: These issues related to accessing on-line resources, support for training and up front marketing information relating to the enrolment and contractual arrangements.

There were no Adult Community Education related enquiries or complaints in 2013.

### **General Training Matters**

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

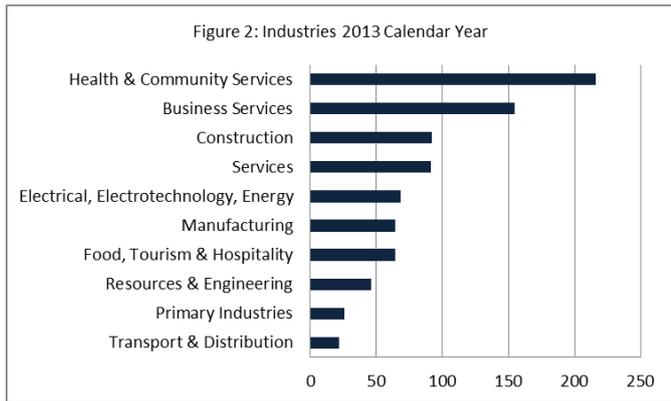
In this category there were 24 new clients in 2013 compared with 39 in 2012 and 58 clients in

2011. The most common questions related to locating career and employment information.

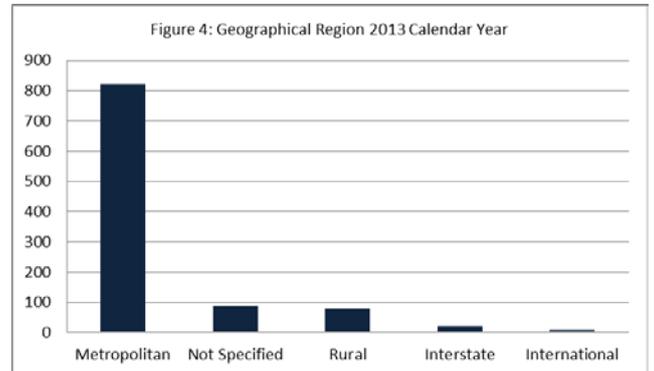
**Industry Categories**

Of the 1,018 new clients assisted in 2013, some 844 clients identified the industry and/or vocation of study that they were engaged in at the time of contacting the OTA (Figure 2).

The vocations within each industry category are outlined in Appendix B on pages 18 and 19.

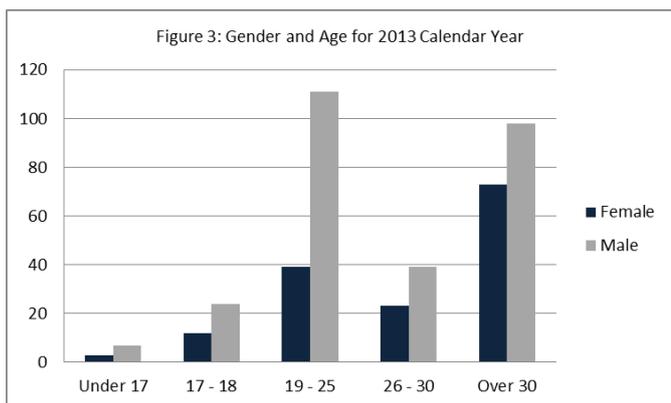


As outlined in Figure 4, the OTA continued to receive requests for assistance from a small number of clients living overseas or interstate. In general these clients are either enrolled with a South Australian organisation or seeking information about the State’s training system.



**Demographic Information**

Of the number of clients (429) who elected to identify their age, the majority were in the ‘Over 30’ year age bracket (Figure 3).



## Report on Functions

This section provides an overview of the types of actions taken in 2013 against the functions outlined in each Clause of the *Charter of Functions* (the *Charter*). The Charter is established under the *Training and Skills Development Act 2008* (the *Act*).

### 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.

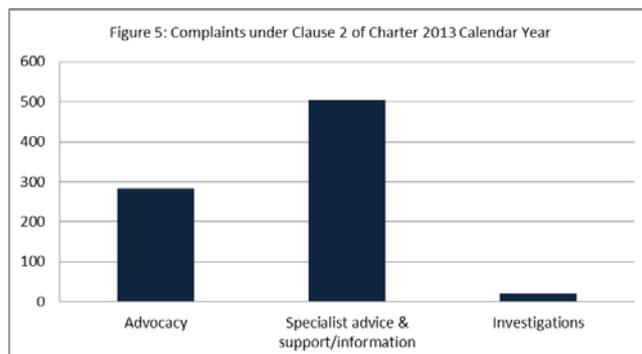
In 2013, a range of activities were undertaken by the Training Advocate. Examples are provided at Appendix C on pages 20 and 21 of this report.

### 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 for apprenticeships and traineeships. Complaints handling can be achieved through one of a number of methods such as investigation, mediation, advocacy or negotiation.

In 2013, the 809 complaints received were managed in accordance with Clause 2, which included providing specialist advice and support to deal with a matter, providing information or acting as an advocate on behalf of the client (*Figure 5*). The types of formal investigations conducted under Clause 2 generally relate to external appeals lodged by international students in accordance with the *Education Services for Overseas Students (ESOS) Act*

2000. This is described on page 10 of this report.



### Clause 3 – Advocacy and Clause 4 – Information and Advice

All of the 209 clients who made an enquiry in 2013 were managed in accordance with the functions described in Clauses 3 and 4 of the *Charter*.

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.

### 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 attention. 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.

Examples of consultations which the Office of the Training Advocate (OTA) responded to, along with one key response point, are outlined below:

- The National Skills Standards Council (NSSC) Position Paper for the Review of Standards for the Regulation of Vocational Education and Training.

*OTA supported the requirement for a Training Provider to formalise any partnership arrangements with other companies who deliver training and or assessment on their behalf.*

- Industrial Relations Commission of South Australia (IRC) regarding the introduction of a 'Respondent Response Form'. This will be required as a component of the IRC Conciliation Process relating to apprenticeship and/or traineeship disputes.

*OTA supported the IRC's proposal for both parties to have the opportunity to exchange information about a dispute prior to the conciliation meeting. However, it was recommended that an adequate timeframe is established for this to occur.*

- Consultation with the Commonwealth Overseas Student Ombudsman regarding International Education and the review of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

*OTA recommended that the wording of the Standards is strengthened to promote clarity and ensure consistency with the National Code Explanatory Guidelines.*

National Apprenticeship and Traineeship System Harmonisation Strategy regarding the consultation conducted by the Department of Further Education, Employment, Science and Technology to consider the South Australian arrangements.

*OTA recommended that robust strategies are implemented to protect and monitor the progress of apprentices and trainees under the age of 18 years, and particularly those undertaking school based apprenticeships.*

## 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 *FOI Act* 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 client 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 2013 there were no formal requests received by the Training Advocate for information under the *FOI Act*.

## Appendix A

In 2013, 171 international education clients were assisted by the Office of the Training Advocate. Of these, 96 elected to identify their country of origin, as shown in the table below.

India	43	Italy	1
China	21	Kenya	1
Vietnam	8	Malaysia	1
Philippines	4	Saudi Arabia	1
Mexico	2	South Africa	1
Pakistan	2	Spain	1
Bangladesh	1	Sri Lanka	1
Brazil	1	Taiwan	1
Columbia	1	Turkey	1
England	1		
Germany	1		
Hong Kong	1		
Iran	1		

## Appendix B

In 2013, the Office of the Training Advocate assisted 1,018 new clients. Of these, 844 elected to nominate the industry and vocation relating to their enquiry or complaint.

### 155 Business Service

Vocation	Number
Business Services	66
Management	34
Financial Services	19
Information Technology	18
Assessment & Workplace Training	11
Telecommunications	3
Printing & Graphics Arts	2
Property Development & Management	2

### 92 Construction

Vocation	Number
Carpentry & Joinery	31
Plumbing & Gasfitting	27
General Construction	8
Civil Construction	8
Floor & Wall Tiling	7
Bricklaying	4
Painting & Decorating	3
Plastering	3
Glazing	1

### 64 Food, Tourism & Hospitality

Vocation	Number
Hospitality – General	24
Cooking	16
Butchering	10
Baking and/ or Breadmaking	7
Food Processing	5
Tourism	2

### 68 Electrical, Electrotechnology, Energy & Water

Vocation	Number
Electrician/ Refrigeration	44
Electrotechnology	24

### 216 Health & Community Services

Vocation	Number
Health – Other	78
Community Services – Child Care	53
Community Services – Other	46
Community Services – Aged Care	37
Health – Dental	2

### 64 Manufacturing

Vocation	Number
Auto Retail, Service and Repair	43
Metal & Engineering	17
Automotive Manufacturing	2
Furnishing	1
Competitive Programs & Systems	1

### 26 Primary Industries

Vocation	Number
Horticulture	10
Conservation & Land Management	10
Animal Care Management	3
Farming	3

## Appendix B (continued)

### 46 Resources and Engineering Industry

Vocation	Number
Metal Fabrication	12
Mechanical Engineering	10
Mechanics (Diesel & Plant)	6
Electrical Engineering	5
Civil/ Structural Engineering	4
Electronics/ Instrument Engineering	3
Health & Safety	2
Driller	1
Electricians	1
Miner	1
Truck Driver	1

### 91 Services Industry

Vocation	Number
Hairdressing	38
Beauty	22
Retail	12
Visual/ Creative Arts, Craft & Design	6
Fitness Industry	5
Sport	3
Florist	2
Real Estate	2
Entertainment	1

### 22 Transport & Distribution Industry

Vocation	Number
Transport	10
Storeworker	7
Aviation	5

## Appendix C

### Clause 1 - Promotion of employment, education and training

The following examples highlight some of the activities undertaken by the Training Advocate and or staff in 2013. These relate to participating in stakeholder meetings, responding to consultations, delivering presentations or attending training related functions. Examples of consultations are outlined on page 14-15. In brief, other examples include:

#### Participation:

- Workplace Arrangements for Traineeships and Apprenticeships (WATA). A stakeholder information meeting, hosted by the Department of Further Education, Employment, Science and Technology.
- International Student Orientation Seminar hosted by Department of Further Education, Employment, Science and Technology, Education Adelaide (*Study Adelaide*), SAPOL and the Office of the Training Advocate.
- Statutory Authority Network - Rights Protection Agencies Group in South Australia hosted by the Equal Opportunity Commission.
- International Student Accommodation Working Party hosted by Education Adelaide (*Study Adelaide*) and the Adelaide City Council.

#### Key Meetings

- National Disability Coordinator Officer (NDCO) Program.
- Chief Commissioner Australian Skills Quality Authority (ASQA).

- Associate Professor, Department of Environmental Science and Technology, Tokyo Institute of Technology Japan regarding services to international students in South Australia.
- Director Tuition Protection Service (TPS) for International Students.
- State/Territory Ombudsman and Commonwealth Overseas Student Ombudsman teleconferences regarding International Education.
- Fair Work Ombudsman - Director Young Workers Team Info line Dispute Resolution and Compliance Group regarding apprenticeships and traineeships.
- Manager Young Workers Legal Services.

#### Presentations:

- The Training and Skills Commission Meeting.
- The Training Regulation Reference Group of the Training and Skills Commission.
- Traineeship and Apprenticeships Services, Department of Further Education, Employment, Science and Technology. Presentation regarding the Office of the Training Advocate's processes for managing apprenticeship and traineeship complaints/disputes through the Industrial Relations Commission of South Australia.
- Australian Industry Group Apprentice Mentors Network. Presentation regarding the role of the Office of the Training Advocate.

## Appendix C (continued)

- Presentation to SAPOL regarding International Education and the support provided by the Office of the Training Advocate to international students regarding working, living and studying in South Australia.
- Presentation to the Australian Organisation Quality Network regarding effective complaint handling strategies.
- International Student Orientation Sessions to University or Training Providers to provide information about services offered by the Office of the Training Advocate.
- *Skills For All*, Skills SA - Department of Further Education, Employment, Science and Technology workshop regarding the Office of the Training Advocate and Complaint Handling procedures.
- Group Training Australia SA. Presentation regarding the role of the Office of the Training Advocate.
- The *State Trades Schools for the Future Forum* hosted by the Apprenticeship Brokers - Department of Education and Child Development. Presentation regarding the role of the Training Advocate.
- His Excellency Governor of South Australia's Farewell to international students and the International Student Award presentation.
- TAFE SA Fashion Parade Graduation Ceremony for Fashion, Design and Technology students.
- Training and Skills Productivity for the Future Forum hosted by the Training and Skills Commission
- Events for SafeWork SA Week.
- SA Health and Community Services Skills Board celebration of the work of the Board.
- 'Racism. It stops with Me' - The National Anti-Racism Strategy, developed by the Australian Human Rights Commission. An event for the South Australian Government's sign up to the Strategy, hosted by the Equal Opportunity Commission.

### Attendance at functions:

- The 2013 Lord Mayoral Reception to welcome international students to Adelaide South Australia.
- The 2013 South Australia Training Awards Ceremony hosted by the Training and Skills Commission.
- The 20<sup>th</sup> Anniversary of the *Disability Discrimination Act 2002* (Cwth). Hosted by the Equal Opportunity Commission.
- The Department of Further Education, Employment, Science and Technology's Reconciliation Week Celebration Event.

## Definitions

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

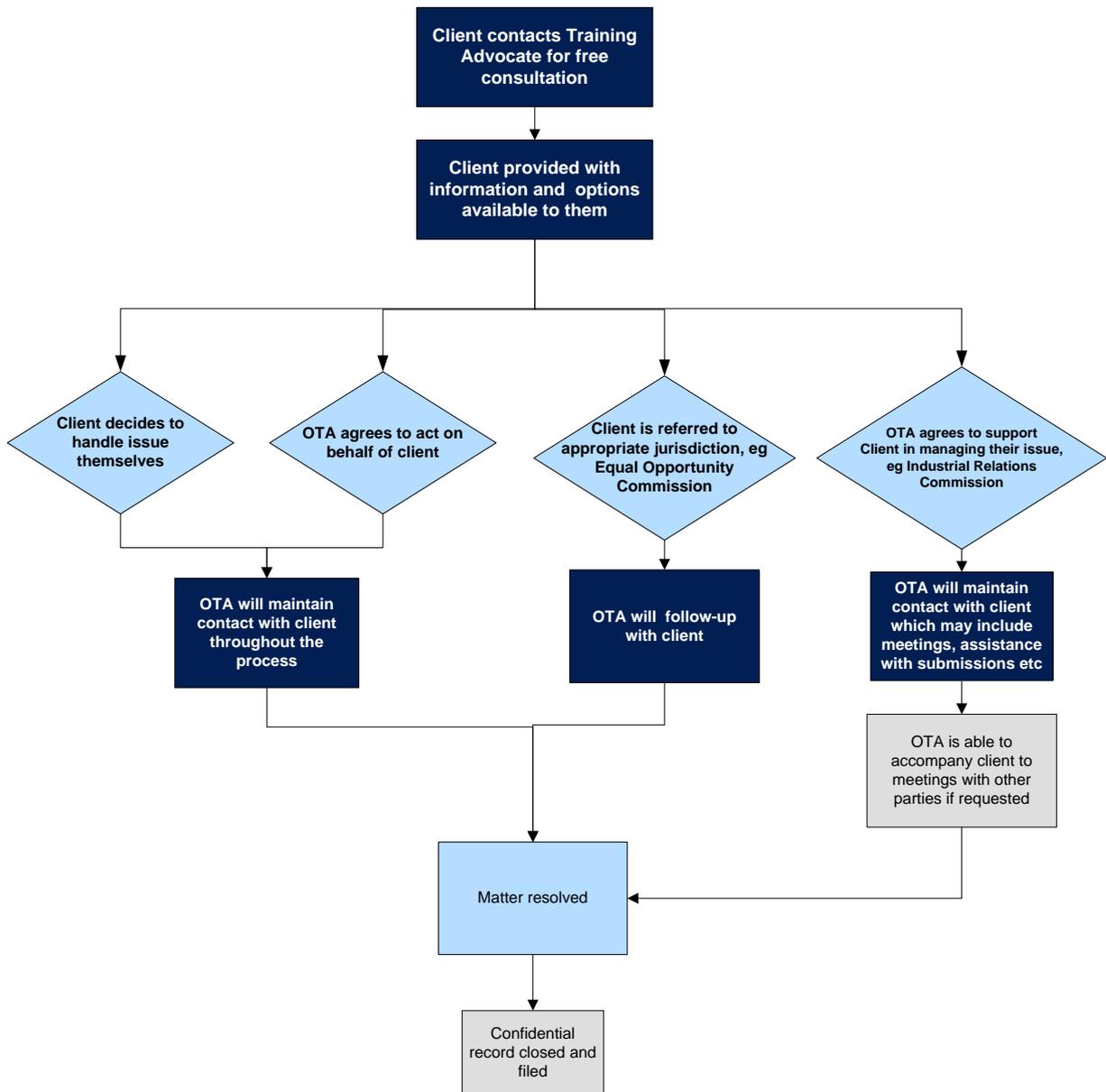
**Enquiry** – request for information about any aspect of the training system. Enquiries from international students may also include enquiries about any aspect of living, working or studying in South Australia.

**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 contacting the Office of the Training Advocate. The client is then identified, for statistical purposes, as either an individual or one representing 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 23.
- **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** - classified as a person holding a visa type (categorised by the Department of Immigration and Border Protection (DIBP)) which is recognised by the *Education Services for Overseas Students (ESOS) Act 2000*.
- **Domestic Student** – 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* 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 a client's consent, a client may be invited to participate in providing feedback about the services 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](http://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

## References

Further information about references and publications mentioned in this report can be found as follows:

### References

Australian Apprenticeships Reform  
<http://www.australianapprenticeships.gov.au/australian-apprenticeships-reform>

Australian Industry Group Apprentice Mentors  
<http://www.aigroup.com.au/portal/site/aig/education/appmentors/>

Australian Skills Quality Authority (ASQA)  
<http://www.asqa.gov.au/>

Commonwealth Overseas Student Ombudsman  
<http://www.oso.gov.au/>

Education Adelaide  
<http://studyadelaide.com/>

*Education Services for Overseas Students (ESOS) Act 2000*  
<http://www.comlaw.gov.au/>

Fair Work Ombudsman  
<http://www.fairwork.gov.au/>

Group Training Australia (SA)  
<http://www.gtasa.com.au/>

Human Rights Commission  
<http://itstopswithme.humanrights.gov.au/>

*National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*  
<https://www.aei.gov.au/Regulatory-Information/Education-Services-for-overseas-students-esos-legislative-framework/national-code/Pages/default.aspx>

National Disability Coordinator Officer (NDCO) Program  
<http://education.gov.au/national-disability-coordination-officer-program>

National Skills Standards Council (NSSC)  
<http://www.nssc.natese.gov.au/home>

*Skills for All*  
<http://www.skills.sa.gov.au/>

Industrial Relations Commission of South Australia (IRC)  
<http://www.industrialcourt.sa.gov.au/>

South Australian Training Awards  
<http://www.tasc.sa.gov.au/sa-training-awards/about-the-awards>

Tertiary Education Quality and Standards Agency (TEQSA)  
<http://www.teqsa.gov.au/>

Trade Schools for the Future - Apprenticeship Brokers  
[http://www.tradeschoolsforthefuture.sa.edu.au/index.php?option=com\\_content&view=article&id=103&Itemid=74](http://www.tradeschoolsforthefuture.sa.edu.au/index.php?option=com_content&view=article&id=103&Itemid=74)

Training and Skills Commission  
[www.tasc.sa.gov.au](http://www.tasc.sa.gov.au)

*Training and Skills Development Act 2008*  
<http://www.legislation.sa.gov.au/>

Tuition Protection Service  
<https://tps.gov.au/Home/NotLoggedIn>

Young Workers Legal Service  
<http://www.ywls.org.au/>

### Publications

Department of Further Education, Employment, Science and Technology (DFEEST) Annual Report 2012/13  
<http://www.dfeest.sa.gov.au/about-us/our-department/annual-report>

Rights Protection Agencies - *Your right to be heard*  
<http://www.eoc.sa.gov.au/eo-resources/links/rights-protection-agencies>

SA Health - *International Student Health and Wellbeing Fact Sheet*  
<http://www.sahealth.sa.gov.au/wps/wcm/connect/c26b940042f5a41da3dab39d0fd82883/International+Student+Health+and+Wellbeing+Fact+Sheet+s-PH%26CS-SRS-20140214.PDF?MOD=AJPERES&CACHEID=c26b940042f5a41da3dab39d0fd82883>

Training and Skills Commission's *Skills for Jobs five-year plan* - <http://www.tasc.sa.gov.au/>