

Office of the  
**TRAINING ADVOCATE**



**South Australian  
TRAINING ADVOCATE**

**2014 ANNUAL REPORT**



March 2015

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Honourable Gail Gago MLC  
Minister for Employment, Higher Education and Skills  
Minister for Science and Information Technology  
GPO Box 1838  
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Dear Minister

I am pleased to present you with the 2014 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 2014 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

30 March 2015

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## Training Advocate's Overview

I am pleased to present the Annual Report highlighting activities undertaken by the Office of the Training Advocate during the 2014 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.

As outlined in more detail in this report, the Office operates in accordance with the Training Advocate's *Charter of Functions* (the Charter). 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, the services provided by the Office continued to play a valuable consumer protection role for those engaged in training during 2014.

In this regard, we responded to enquiries or complaints from 965 new clients seeking advice, support or advocacy about some aspect of their employment or training arrangement. Of these, 41% related to domestic education, 40% to apprenticeships and traineeships and 17% to international education. The remaining 2% related to other general training matters. It is interesting to note that many clients raised multiple issues and of the 965 new clients some 1,693 issues were managed.

The number of apprenticeship and traineeship clients was similar to those assisted in 2013. Of these, 43 apprentices/trainees were supported through the Industrial Relations Commission of South Australia (IRC). This involved offering assistance to the apprentice or trainee in preparing for and attending the IRC conciliation meeting which can be daunting, particularly for a young person. We continued to work collaboratively with other support networks including Apprenticeship Brokers within the Department for Education and Child Development to assist young school based apprentices or trainees where required.

In relation to vocational education and training (VET), anecdotal evidence suggested that there was a significant growth in the uptake of South Australians engaging in on-line courses with interstate providers and an increase in the uptake of students accessing VET FEE-HELP, which is the Australian Government's study loan scheme. As we assisted people with issues in these areas, it highlighted the importance of consumer awareness and the necessity to promote better upfront information about all terms and conditions prior to enrolment in a course of study.

During 2014, I participated in an important Social Inclusion National Project, hosted by the Australian Council for Private Education and Training (ACPET) and the National Disability Coordination Officers group. This project resulted in the development of a resource for small to medium sized training providers to establish guidelines and procedures for handling enrolment enquiries from students with disability. This resource will be available from 2015.<sup>1</sup>

As outlined in my report last year, I also contributed to the South Australian Government's *Health in All Policies Initiative – Overseas Student Health and Wellbeing Project*, managed by SA Health. This resulted in the 'International Student Health and Wellbeing Fact Sheet'<sup>2</sup> being published in early 2014. I understand that this resource has been well received by training providers and students throughout the year.

There were a number of key training related events during the calendar year, including the Council of International Students Australia (CISA) National Conference held in Adelaide. The theme was '*Engage Locally, Connect Nationally*' and involved over 220 international students studying with education institutions from across Australia. I was delighted to present to the delegates in conjunction with the Commonwealth Overseas Student Ombudsman, the Fair Work Ombudsman and other State and Territory Ombudsman.<sup>3</sup>

In addition, the Overseas Student Ombudsman hosted a national complaints handling forum in Adelaide with key State and national stakeholders including representatives from the Department of Immigration and Border Protection, Australian Skills Quality Authority, Fair Work Ombudsman, Australian Human Rights Commission and the Commonwealth Department of Education and Training.

Each year, I attend the South Australian Training Awards hosted by the Training and Skills Commission. These prestigious awards celebrate the outstanding achievements of individuals, training providers and employers who demonstrate their commitment to learning and skill development. This year South Australia also hosted the National Training Awards which showcased the high calibre of nominees from across Australia in some 18 categories and I congratulate the 9 South Australian finalists for their contribution to education and training.<sup>4</sup>

In 2014, the skilled and passionate staff in my Office were responsible for successfully resolving the majority of issues for clients through a conciliatory approach. I received many comments during the year from clients about the positive employment and training outcomes achieved as a result of the care and professionalism displayed by the staff. I thank each of them for their commitment, dedication and contribution to such important work during the year.

I also extend my gratitude to Dr Don Russell, Chief Executive of the Department of State Development and Mr Raymond Garrand, former Chief Executive of the Department State Development and the former Department of Further Education, Employment, Science and Technology for the resources provided to the Office in 2014.

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<sup>1</sup> [National Disability Coordination Resource Guide](#)

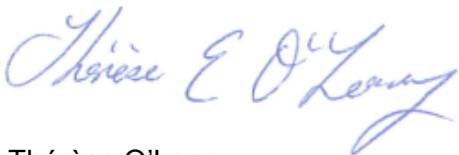
<sup>2</sup> [International Student Health and Wellbeing Fact Sheet](#)

<sup>3</sup> [CISA Conference](#)

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

In closing, it is acknowledged that there are many demands on the training system to respond to the expectations of those engaged in training. In this regard the Minister for Employment, Higher Education and Skills announced an external review of *Skills for All* during 2014 with an outcome expected in 2015<sup>5</sup> and following extensive consultations, the Training and Skills Commission released the *Skills for Future Jobs – Five-Year Workforce Development Plan* in December 2014. In particular, the plan highlighted the industry demand for qualifications and the Commission’s policy imperatives with eleven recommendations on how the VET system can better meet the needs of industry.<sup>6</sup>

In 2015, I will continue to work with the Commission and other key stakeholders to contribute to strategies which raise the quality and responsiveness of the training system in South Australia, particularly as the new standards for Training Providers are implemented in 2015.<sup>7</sup> In conjunction with these standards it will be important to focus on improving consumer awareness by promoting better information about rights, obligations and contractual arrangements, prior to engaging in any training program.



Thérèse O’Leary  
South Australian Training Advocate

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<sup>5</sup> [Skills for All Evaluation](#)

<sup>6</sup> [Skills for Future Jobs - Five-Year Plan](#)

<sup>7</sup> [ASQA Users Guide to VET Standards](#)

## Legislation, Charter and Structure

### Legislation

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The *Training and Skills Development Act 2008 SA* (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 2014.

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 2014.



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 regulatory Commonwealth authorities are the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality Standards Agency (TEQSA).

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

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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 28) 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 2014, activity was undertaken in accordance with each function and this is summarised on pages 11 to 20 of this report.

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

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The Training Advocate is supported by an Investigations Officer, an International Student Services Advisor and two Client Advisors. 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 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**

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The Department of State Development (DSD), formerly 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 DSD'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 2014. 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 employed 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 examples of key issues, raised by clients, is also included.

The data only relates to information gathered from new clients who contacted the OTA in 2014. 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. It should be noted that, information relating to specific cases is confidential. This report does not disclose information which may identify a client.

In 2014, 965 new clients accessed the services of the OTA compared with 1,018 in 2013. Of the 965 new clients, 84% were individuals and 16% were clients from organisations. These proportions were similar to those recorded in 2013. (*Client categories are described on page 26*).

At their 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. 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 27.

In 2014, 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 2014, the types of agencies included the Australian Skills Quality Authority, the Equal Opportunity Commission, the Legal Services Commission and the Department of Immigration and Border Protection.

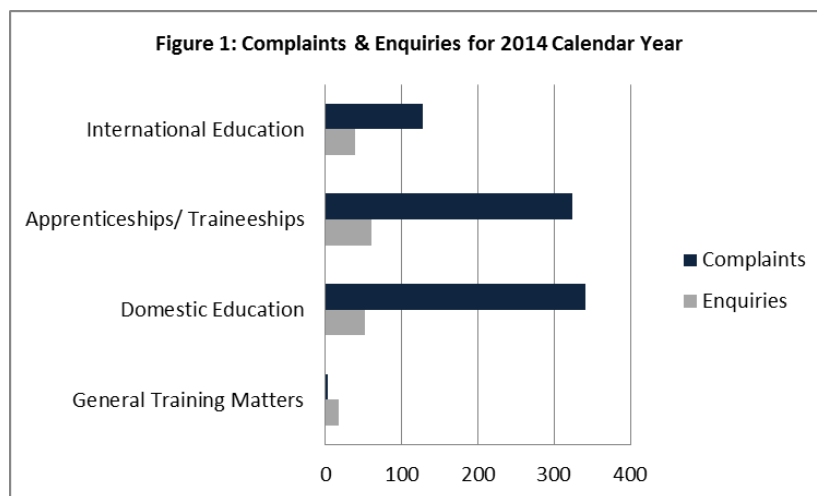
Complaints were received from 796 new client 169 clients made enquiries. While the overall number of new clients was slightly lower than in 2013 (1,018 clients), the proportion of complaints was 82% this year compared with 79% in 2013. It is noted that there was also an increase in the number of clients lodging multiple issues for the OTA to address. In particular, the 796 complainants lodged a total of 1468 issues compared with a total of 1366 issues in 2013. *(Enquiries and complaints and the categories are described on page 26).*

**CATEGORIES**

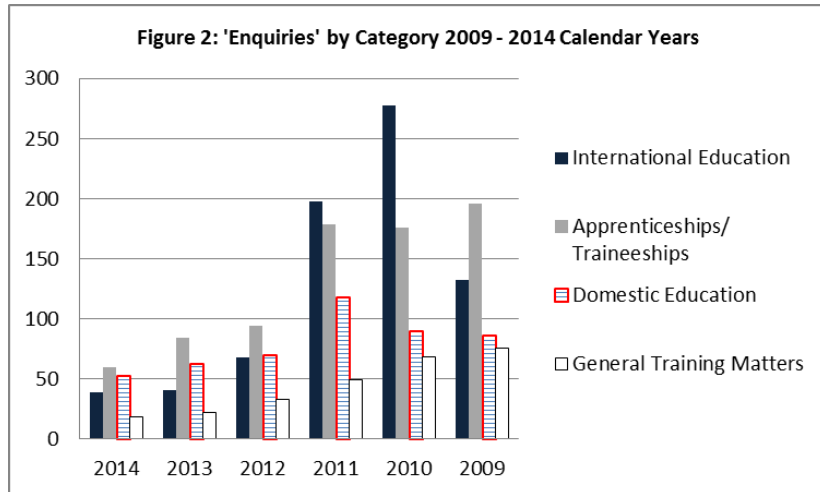
Each enquiry or complaint received is classified by the OTA into one of the four following categories which are described on page 26 of the report:

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

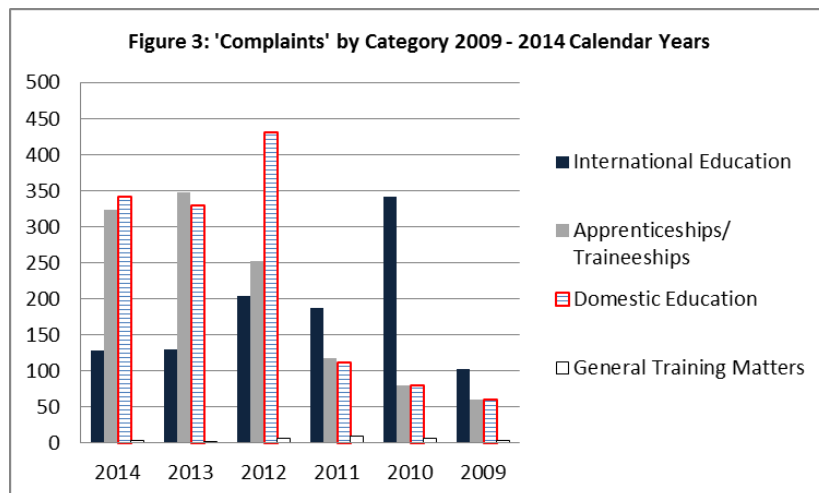
The following diagram indicates the categories relating to the total number of new clients (965) accessing the OTA services *(Figure 1).*



The following table illustrates the comparison of ‘enquiries’ against the categories over six years. This demonstrates that in 2009 there were 490 clients making an enquiry, which increased to 611 in 2010 compared with 169 in 2014 *(Figure 2).*



The comparison of 'complaints' against the categories over six years is outlined in *Figure 3*. In particular, in 2009 there were 226 complainants compared with 796 in 2014.



## KEY ISSUES

The following section briefly describes each category and summarises the most commonly raised topics dealt with whether it was an enquiry or complaint.

### 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 2014, 167 new international education clients accessed the services of the OTA of which 77% were complaints. It is noted that the overall number of clients was similar to that in 2013.

A total of 278 issues were presented by the 167 international student clients and the majority of issues raised were similar to those dealt with in previous years as follows:

- *student visa study obligations*: These encompassed issues relating to a student maintaining satisfactory academic progress or satisfactory course attendance during a study program as required under an international student visa conditions.
- *commercial arrangements*: These related to issues such as course fees, refunds and other contractual arrangements that related to a training provider's policies.
- *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.

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*. 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 2014 there were 23 requests for an external appeal received from international students compared with 21 in 2013.

Of the 167 international education clients, 77 clients elected to identify their country of origin. This indicates that the majority of clients were from China (23) followed by India (20) as outlined below. This differs from 2013 where 96 clients identified their country of origin of which the majority were from India (43) followed by China (21).

China	23	Italy	1
India	20	Kenya	1
Vietnam	7	Korea	1
The Philippines	4	Malaysia	1
Germany	3	Maldives	1
Nepal	3	Pakistan	1
Saudi Arabia	2	Poland	1
Bangladesh	1	Portugal	1
Chile	1	Singapore	1
El Salvador	1	Taiwan	1
Indonesia	1		
Iran	1		

## Apprenticeships and Traineeships

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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 SA* (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 2014, 384 new apprenticeship/traineeship clients were assisted by the OTA compared with 432 in 2013 and 347 in 2012. Some 84% of cases were registered as a complaint compared with 81% in 2013 and 73% in 2012. It is also noted that there was a total of 672 issues addressed on behalf of the 384 clients in this category.

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

- *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 variations of the Contract such as seeking credit for prior experience;
- *wages and other working conditions*: These included those relating to payslips, rates of pay and other entitlements, supervision, workplace behaviours and support for on the job training;
- *training arrangements*: These included matters relating to academic records, training fees, meeting off-job training requirements.

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 2014, 43 apprentices/trainees were supported through the IRC compared with 61 in 2013, and 45 in 2012. However, there were an additional 11 cases which had been lodged with the IRC but were withdrawn following a resolution reached prior to the conciliation meeting.

## Domestic Education

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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 (ASQA) to deliver training in South Australia. It also includes adult community education, students participating in vocational education and training in schools and domestic students studying higher education. The regulation of higher education is administered by the Tertiary Education Quality and Standards Agency (TEQSA).

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.

The OTA assisted 393 new clients in 2014 compared with 392 in 2013 in this category. Of these 87% were lodged as complaints. It is noted a total of 715 issues were addressed on behalf of the 393 clients. There were no Adult Community Education related enquiries or complaints recorded.

The most commonly raised issues related to:

- *academic arrangements*: These included matters relating to assessment criteria, recognition of prior learning and access to tailored learning support. In addition, confusion between ‘certificates of attendance’ issued by non-Registered Training Organisations and qualifications issued by Registered Training Organisations;
- *commercial arrangements*: These included matters relating to course fees, refunds and other terms and conditions of the study program as they relate to a training provider’s policies;
- *funding arrangements*: These included matters relating to subsidised funding and student loans in relation to marketing, terms and conditions and census dates;
- *on-line study programs*: These included matters relating to accessing on-line resources, support for training, up front marketing information, pre-requisites required to undertake the course of study including pre-enrolment counselling and contractual arrangements;
- *work placements*: These included matters relating to locating a suitable worksite to undertake the placement, assessment of competencies at the worksite and accessing records and workbooks.

### **General Training Matters**

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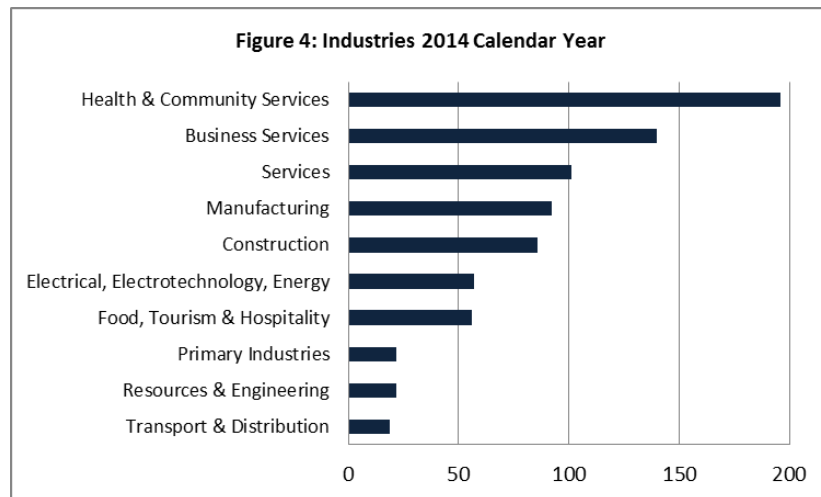
This category captures information relating to a range of other areas of the training and employment system.

There were 21 new clients in 2014 compared with 24 in 2013, 39 in 2012 and 58 clients in 2011. The most common questions related to accessing information about government grants, career options and employment opportunities for example.



## INDUSTRY CATEGORIES

Of the 965 new clients assisted in 2014, some 791 clients identified the industry and/or vocation of study that they were engaged in at the time of contacting the OTA as follows (Figure 4). Similar to the past two years, the most common category is Health and Community Services.



The following information highlights the specific areas within each industry category.

### Health & Community Services (Total 196)

Vocation	Number
Community Services – Other (includes youth work and disability)	82
Health – Other (includes nursing, massage and allied health assistant)	56
Community Services – Child Care	30
Community Services – Aged Care	27
Health – Dental	1

### Business Service (Total 140)

Vocation	Number
Business Services	61
Management	30
Financial Services	23
Information Technology	17
Assessment & Workplace Training	4
Printing & Graphic Arts	2
Telecommunications	2
Property Development & Management	1

Services Industry (Total 101)

<b>Vocation</b>	<b>Number</b>
Hairdressing	50
Retail	18
Fitness Industry	11
Visual/Creative Arts, Craft & Design	7
Beauty	5
Sport	4
Real Estate	3
Florist	2
Music	1

Manufacturing (Total 92)

<b>Vocation</b>	<b>Number</b>
Auto Retail, Service and Repair	52
Metal & Engineering	22
Automotive Manufacturing	12
Furnishing	2
Pulp & Paper Manufacturing	2
Manufacturing – Other (includes jewellery)	2

Construction (Total 86)

<b>Vocation</b>	<b>Number</b>
Carpentry & Joinery	33
Plumbing & Gasfitting	21
Civil Construction	9
General Construction	8
Bricklaying	4
Glazing	3
Plastering	3
Floor & Wall Tiling	3
Painting & Decorating	2

Electrical, Electrotechnology, Energy & Water (Total 57)

<b>Vocation</b>	<b>Number</b>
Electrician/Refrigeration	40
Electrotechnology	17

Food, Tourism & Hospitality (Total 56)

<b>Vocation</b>	<b>Number</b>
Hospitality – General	27
Cooking	14
Baking and/or Bread making	8
Butchering	3
Tourism	3
Food Processing	1

Primary Industries (Total 22)

<b>Vocation</b>	<b>Number</b>
Horticulture	12
Animal Care Management	3
Farming	3
Conservation & Land Management	4

Resources & Engineering Industry (Total 22)

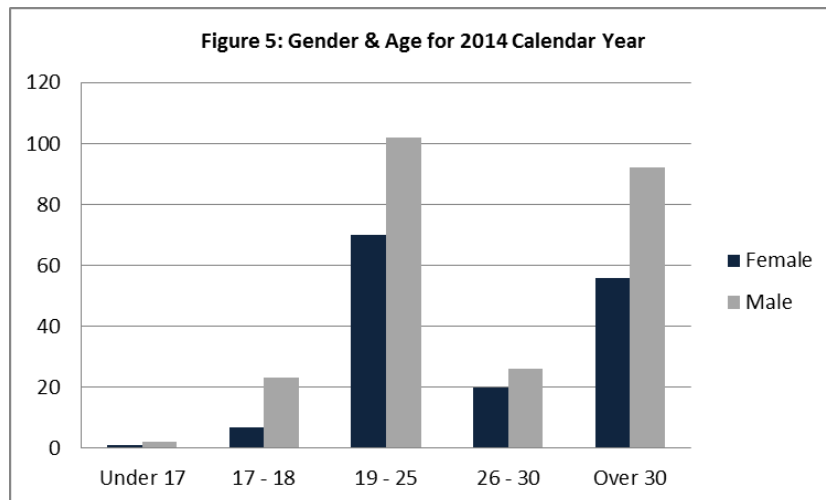
<b>Vocation</b>	<b>Number</b>
Metal Fabrication	6
Mechanical Engineering	4
Civil/ Structural Engineering	4
Electrical Engineering	2
Resources & Engineering – Other	2
Mechanics (Diesel & Plant)	1
Metallurgy/Chemical/ Process Engineering	1
Miner	1
Health & Safety	1

Transport & Distribution Industry (Total 19)

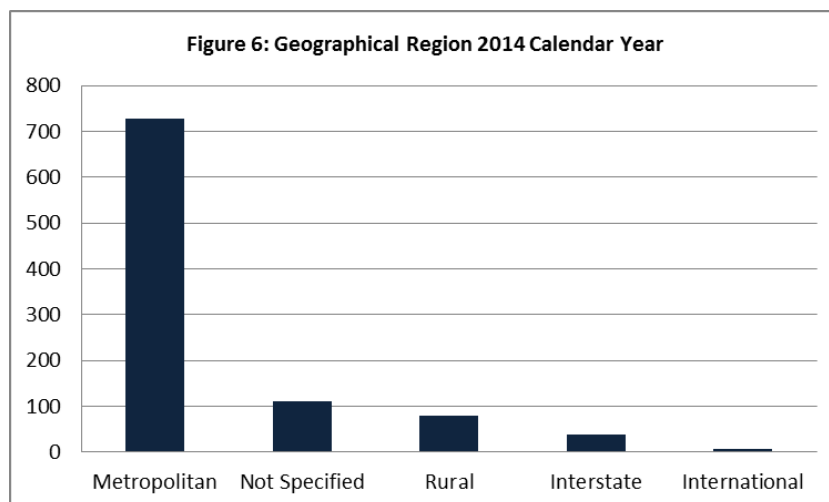
<b>Vocation</b>	<b>Number</b>
Transport	8
Aviation	8
Store-worker	3

## DEMOGRAPHIC INFORMATION

Of the 399 clients who elected to identify their age, the majority were in the 19 - 25 year age bracket which differs from 2013 where the majority were in the 'over 30' year age bracket (Figure 5).



The OTA continued to receive requests for assistance from a small number of clients living overseas or interstate as outlined below. In general these clients are either enrolled with a South Australian organisation or seeking information about the State's training system.



## Report on Functions

This section provides an overview of the types of actions taken in 2014 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 SA* (the Act).

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

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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.

Examples of the range of activities undertaken by the Training Advocate and staff are highlighted below. These relate to participating in stakeholder meetings, responding to consultations, delivering presentations or attending training related functions.

#### **Participation / Key Meetings:**

- 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.
- *Safety in the Workplace* – a seminar hosted by Traineeship and Apprenticeship Services Directorate Department of State Development, SafeWork SA and WorkCover.
- *Approaches to Quality Training in South Australia Workshop* – hosted by the Chief Commissioner Australian Skills Quality Authority (ASQA).
- *A Kurna Walk* conducted by Mr Frank Wanganeen, Kurna Elder, hosted by Equal Opportunity Commission as part of their commitment to the Reconciliation Plan.
- Meeting with the Director Tuition Protection Service (TPS) for International Students. The TPS is an Australian Government initiative to assist international students whose providers are unable to fully deliver their course of study.
- State/Territory Ombudsman and Commonwealth Overseas Student Ombudsman teleconferences regarding International Education in Australia including review of the *Education Services for Overseas Students (ESOS)* framework and complaint handling procedures.
- Social Inclusion Project – managed by Australian Council for Private Education and Training (ACPET) and National Disability Coordination Officers (NDCO) Reference Group.
- Cyber-Racism and Social Media round table by Race Discrimination Commissioner and hosted by Equal Opportunity Commission.

### **Presentations:**

- A Training and Skills Commission Meeting regarding the key issues to be addressed by the Training Advocate.
- Presentation to the Education and Early Childhood Services Registration and Standards Board of SA regarding the role of the Training Advocate and the vocational education and training system.
- Presentation to the Council of International Students Australia (CISA) National Conference. Conference theme: *Engage Locally, Connect Nationally*.
- Presentation to a National Complaints Handling Forum hosted by the Commonwealth Overseas Student Ombudsman.
- Presentation to the SA Legal Services Commission regarding the role of the Office of the Training Advocate.
- International Student Orientation Session for a University to provide information about services offered by the Office of the Training Advocate.
- *BizLink* a series of seminars hosted by the South Australian Small Business Commissioner, to provide information to small businesses about Government services.

### **Attendance at functions:**

- The Lord Mayoral Reception to welcome the 2014 international students to Adelaide South Australia.
- The 25 year celebration of the Adelaide Training and Employment Centre (ATEC).
- The TRADESchools for the Future – Inner South Metro Trade Schools 2014 Vocational Pathways Awards Night.
- The 2014 South Australia Training Awards Ceremony hosted by the Training and Skills Commission.
- The 2014 National Training Awards held in South Australia.
- The Allianz State Forum – South Australia *International Students in our Community*.
- *Destination Adelaide Video* by Study Adelaide. The promotion of international education opportunities in SA launched by Honourable Gail Gago MLC Minister for Employment, Higher Education and Skills.
- His Excellency Governor of South Australia's Farewell to international students and the 2014 International Student Award presentation.
- TAFE SA Fashion Parade Graduation Ceremony for Fashion, Design and Technology students.
- The *Productivity for the Future* Forum hosted by the Training and Skills Commission and launch of the *Skills for Future Jobs – Five-Year Workforce Development Plan*.
- International Education in South Australia – member updates hosted by Study Adelaide
- The Opening of the Sustainable Industries Education Centre (SIEC) TAFE SA at Tonsley SA
- The Opening of Mining Engineering and Transport Centre Regency TAFE SA

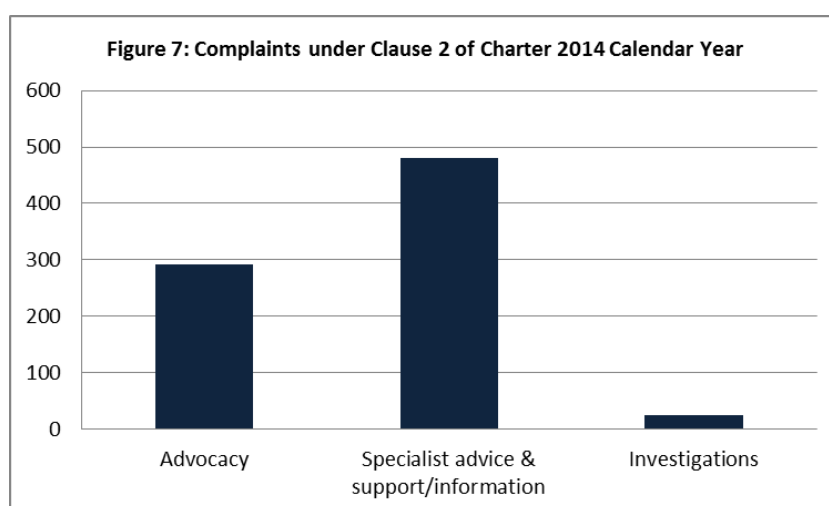
## Clause 2 - Independent complaint handling process

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This function makes provision for the Training Advocate to conduct 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, conciliation, advocacy or negotiation.

In 2014, the 796 cases lodged as complaints were case-managed in accordance with Clause 2, which included providing specialist advice and support to deal with a matter incorporating mediation, conciliation, or acting as an advocate on behalf of the client (*Figure 7*).

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 14 of this report.



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

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All of the 169 clients who made an enquiry in 2014 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

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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. Such matters are referred to the relevant agency or regulatory body for attention. Some 116 matters were referred in 2014.

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 contributions made during 2014 include:

- Australian Skills Quality Authority (ASQA) workshop relating to approaches to quality training in South Australia.

*OTA raised the importance of monitoring Providers delivering on-line learning programs. In particular, marketing techniques, terms and conditions, commercial arrangements, access to work-placements and procedures for students to be counselled in relation to the required pre-requisites prior to enrolment.*

- Commonwealth Overseas Student Ombudsman consultation regarding *Written Agreements* between overseas students and Registered Education Providers.

*OTA raised the importance of clear and well promoted terms and conditions of any contractual arrangement. In this regard OTA supported the recommendation that a model template or checklist be developed to assist Providers prepare written agreements as a mechanism to promote compliance with Standard 3 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.<sup>8</sup>*

- South Australian Red Tape Reduction Review of Vocational Education and Training (VET) and Apprenticeships and Traineeships.

*In relation to apprenticeships and traineeships, OTA supported mechanisms to streamline employer registration processes and Training Contract approval. In relation to VET, OTA supported flexible arrangements to support students to complete a qualification.<sup>9</sup>*

- Australian Council for Private Education and Training (ACPET) and National Disability Coordination Officers (NDCO) Reference Group for the Social Inclusion Project.

*OTA supported the development of a resource to assist Training Providers improve their service to students with disability and comply with the relevant legislation.<sup>10</sup>*

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<sup>8</sup> [Overseas Students Ombudsman written agreement checklist](#)

<sup>9</sup> [Red Tape Reduction Review](#)

<sup>10</sup> [National Disability Coordination Resource Guide](#)



## 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 is noted that as the Office of the Training Advocate is resourced by the Department of State Development (formerly the Department of Further Education, Employment, Science and Technology) 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 2014 there were no formal requests received by the Training Advocate for information under the *FOI Act*.

## Definitions

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

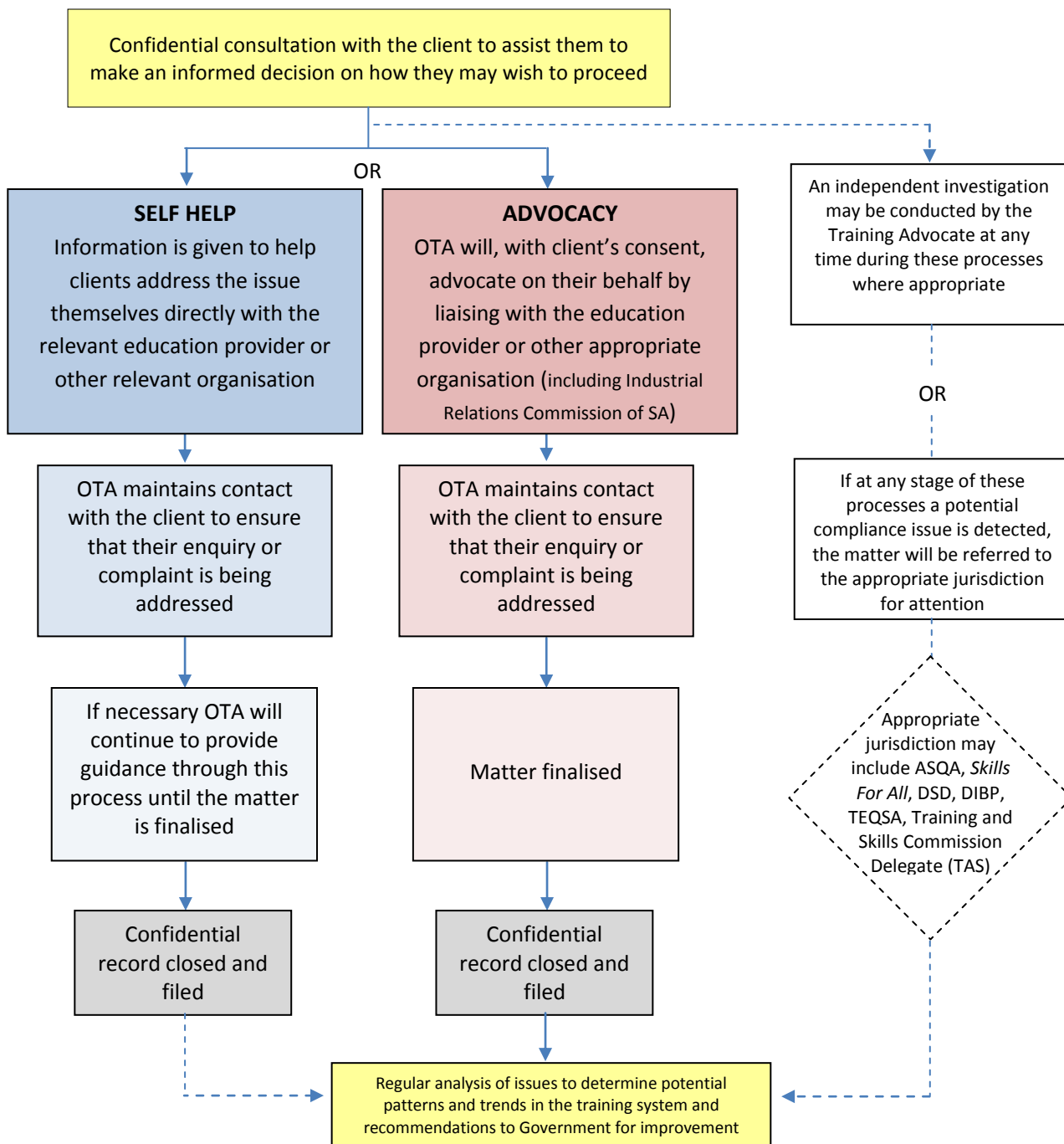
**Enquiry** – request for information about any aspect of the training system. Enquiries from international students may also include enquiries about any aspect of living, working or studying in South Australia.

**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 27.
- **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 (SA)* 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.

## Client Consultation Process – flow chart



**Legend:**

Australian Skills Quality Authority (ASQA)  
 Department of State Development (DSD)  
 Department of Immigration and Border Protection (DIBP)  
 Tertiary Education Quality and Standards Agency (TEQSA)  
 Traineeship and Apprenticeship Services (TAS) DSD

# 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 the vocational education and training system including references and publications mentioned in this report can be found as follows:

Australian Apprenticeships Reform

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

Australian Human Rights Commission

<http://itstopswithme.humanrights.gov.au/>

Australian Skills Quality Authority (ASQA)

<http://www.asqa.gov.au/>

Commonwealth Overseas Student Ombudsman

<http://www.oso.gov.au/>

Department of State Development (formerly Department of Further Education, Employment, Science and Technology (DFEEST)) Annual Report 2013/2014

<http://www.statedevelopment.sa.gov.au/about-us/annual-reports?n2item=4236?q=annual-report>

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/>

Industrial Relations Commission of South Australia (IRC)

<http://www.industrialcourt.sa.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>

SA Health - *International Student Health and Wellbeing Fact Sheet*

<http://www.sahealth.sa.gov.au/wps/wcm/connect/Public+Content/SA+Health+Internet/Health+reform/Health+in+All+Policies/Health+Lens+Analysis+projects/International+Students+Health+and+Wellbeing>

*Skills for All*

<http://www.skills.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/>

TRADESchools for the Future - Apprenticeship Brokers  
<http://www.tradeschoolsforthefuture.sa.edu.au/>

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

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

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

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