

Office of the **TRAINING ADVOCATE** and International Student Advisory Service



Government
of South Australia

Office of the
Training Advocate

South Australian Training Advocate **2018 Annual Report**

Office of the Training Advocate

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To:
Hon David Pisoni MP
Minister for Industry and Skills

This annual report is presented to Parliament to meet the statutory reporting requirements of the *Training and Skills Development Act 2008* (SA) and to meet the requirements of the reporting guidelines outlined in the Premier and Cabinet Circular *PC013 Annual Reporting*.

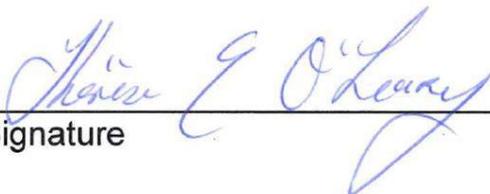
In accordance with section 25(1) of the *Training and Skills Development Act 2008* (SA) this report provides an overview of activities undertaken by the Training Advocate during the 2018 calendar year. The report must be provided to the Minister on or before the 31 March 2018.

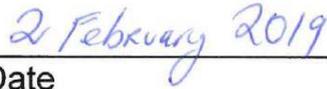
This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Office of the Training Advocate by:

Thérèse O'Leary

South Australian Training Advocate


Signature


Date

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Section A: Reporting required under the *Public Sector Act 2009 (SA)*, the *Public Sector Regulations 2010 (SA)*, the *Public Finance and Audit Act 1987 (SA)* and *Training and Skills Development Act 2008 (SA)*

Agency purpose or role

The Office of the Training Advocate (OTA) is an independent statutory authority established under the *Training and Skills Development Act 2008 (SA)* (Act).

The OTA is the State's public contact point to respond to questions or complaints about the training system as it relates to South Australia. In this context, the training system comprises vocational education and training (VET), higher education, apprenticeships and traineeships, international education and adult community education (ACE).

Objectives

The OTA operates in accordance with the *Charter establishing the Training Advocate's Functions* (Charter of Functions). The functions are designed to enhance consumer protection by improving access and effective participation in employment and skill formation opportunities and contribute to strategies that raise the quality and responsiveness of the training system in South Australia.

The Charter of Functions sets out five key functions:

- promoting employment, education and training and promoting the development of employment and skills formation policies and procedures;
- providing an independent complaint-handling process to resolve matters arising out of the delivery of education and training or apprenticeships and traineeships;
- providing advocacy on behalf of clients seeking resolution of matters relating to education, employment or training;
- providing information and advice to assist people to navigate the training system and give advice relating to powers under the Act;
- monitoring the training system, including the administration of the Act, and make recommendations for legislative change.

Agency administrative statement

In March 2018, the Government announced machinery of government changes under the *Public Sector Act 2009* (SA), including altering the title of the Department of State Development to the Department for Industry and Skills, effective from 1 July 2018.

The OTA is resourced by the Department for Industry and Skills and therefore administrative and operational functions comply with the Department's policies and procedures, established in accordance with the public sector requirements. In this regard, the OTA's report will refer to information contained in the Department's 2017/2018 Annual Report where appropriate.

Key strategies

| Key strategy: | Objective: |
|---|---|
| <p>Enhance consumer protection by improving access to and effective participation in employment and skill formation opportunities.</p> <p>Contribute to strategies that raise the quality and responsiveness of the training system in South Australia.</p> | <p>Training Advocate's Charter of Functions</p> |

Agency programs and initiatives and their effectiveness and efficiency

This section incorporates the OTA's case management information and examples of other activities undertaken in accordance with the Charter of Functions during 2018.

The five functions are:

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

An explanation of the terms used in this report is available on page 31.

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|---|---|---|
| <p>Case Management in accordance with:</p> <p><i>Independent complaint handling (Clause 2)</i></p> <p><i>Advocacy (Clause 3)</i></p> <p><i>Information and advice (Clause 4)</i></p> | <p>Cases, whether an enquiry or complaint, are managed through a variety of methods. These include investigation, mediation, advocacy, conciliation, negotiation, or provision of independent advice in accordance with the Training Advocate's Charter of Functions.</p> | |
| | <p>Case Management Overview:</p> <p>A total of 915 new cases¹ (2,337 issues²) were lodged with the OTA.</p> <p>91% complaints 9% enquiries</p> <p>88% individuals 12% from organisations</p> <p>94% cases finalised</p> <p>2% of active cases were carried forward to 2019 for further action</p> <p>4% were carried forward to 2019 pending a six-month review prior to finalising.</p> <p>Case Category Overview:</p> <ul style="list-style-type: none"> • 190 (21%) apprenticeship/ traineeship cases (489 issues) • 488 (53%) domestic education cases (1,345 issues) • 206 (23%) international education cases (453 issues) • 31 (3%) other – general matters (e.g. issues related to employment (other than | <p>Case outcomes are achieved across three levels:</p> <ol style="list-style-type: none"> 1. The Client (individual or organisation) <ul style="list-style-type: none"> Examples of outcomes for clients include – • completion of qualification • access to academic or personal support • financial settlement • completion of apprenticeship or traineeship • strategies to support apprentices or trainees • improved complaints handling processes within organisations. 2. Regulatory or Compliance Matters <ul style="list-style-type: none"> Identifying and referring issues detected relating to the training system to relevant regulators. 3. Training System Development |

¹ **Case** – refers to a client registered with the Office of the Training Advocate presenting a new enquiry or complaint for attention.

² **Issue** – refers to one or multiple issues raised by a client in lodging a case.

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--|---|---|
| | apprenticeships/ traineeships), overseas qualifications, industry licences or registration with professional bodies). | Identifying and raising issues for system-wide improvements. |
| Detailed case management data is provided on pages 14 to 30 | | |
| Promotion of Employment, Education and Training in accordance with Clause 1 | The OTA attended functions and delivered presentations to organisations including Government, VET Training Providers ³ , small business owners and individuals about the role of the OTA. This provides an opportunity to incorporate information about the rights and obligations of those engaged in the training system. Examples are outlined below. | |
| | <p>Small Business</p> <p><i>BizLink</i> – seminars hosted by the South Australian Small Business Commissioner.</p> <p>The OTA presented to 3 seminars including one in Hahndorf. OTA also participated in webinars to reach a wider audience.</p> <p>Some 116 people attended the sessions with an additional 24 people viewing via webinar. The OTA provided information for distribution at other regional sessions.</p> | <p><i>BizLink</i> seminars provide information to small businesses about Government services. It provides an avenue for the OTA to promote the benefits to employers of engaging apprentices and trainees and provide them with an overview of their rights and obligations under the apprenticeship system. It also provides information about how employers can make informed choices if seeking professional development courses for their staff under the Australian Qualifications Framework.</p> <p>https://www.sasbc.sa.gov.au/</p> |
| | Young People | The <i>Adelaide Young People's Wellbeing Initiative</i> is a stakeholder network including local and State Government, the social, education and health sectors, local business |
| | The OTA participated in the Wellbeing of Young People in the City/North Adelaide Youth Symposium. | |

³ **Training Providers** (Government and Non-Government) – includes reference to domestic VET Registered Training Organisation (RTO), domestic Higher Education Provider or International Education Provider or International Education Provider (ELICOS, VET, Higher Education).

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--------------|---|---|
| | | <p>and community, including young people.</p> <p>The initiative enables the OTA to inform stakeholders engaged with young people about opportunities for skill development and employment. It also provides an opportunity to educate people about their rights and obligations so that they can make an informed choice before committing to any training enrolment contract.</p> <p>https://www.togethersa.org.au/wellbeing/</p> |
| | <p>Rights Protection Group</p> <p><i>Statutory Authority Network - Rights Protection Agencies Group</i></p> <p>The OTA attended 6 meetings.</p> | <p>This network comprises statutory authority representatives across a range of portfolios including health and community services, young people, equal opportunity, small business and safety. It provides an avenue to consider strategies to better streamline complaint handling across the agencies and ensure complainants can readily access the right agency for their specific circumstance.</p> |
| | <p>International Student Advisory Service</p> <p>There was an increase in the number of international education cases seeking services from the OTA during 2018. In 2018 there were 206 cases compared with 122 cases in 2017.</p> <p>The OTA also provided a CBD point for international students to collect information or tickets relating to the 2018 social or cultural events offered through <i>Study Adelaide</i> to raise awareness amongst international</p> | <p>In 2017, the OTA updated its promotional materials with the aim of raising awareness of the OTA's role in assisting international students with any aspect arising from studying, living or working in South Australia.</p> <p>https://studyadelaide.com/</p> |

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--------------|--|--|
| | <p>students about the International Student Advisory Service.</p> <p>The OTA continued to liaise with international Training Providers in relation to their internal complaints handling procedures to comply with the implementation of the <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i> (effective January 2018).</p> | |
| | <p>International Student Event</p> <p>The OTA participated in the Lord Mayoral Reception to welcome the 2018 international students to South Australia, hosted by <i>Study Adelaide</i>.</p> <p>Approximately 650 students from 130 countries attended. Students had access to a variety of information about safety, wellbeing, sport and other recreational activities available in South Australia.</p> <p>The OTA's Information Booth provided materials and general information to newly arrived students about OTA services. The key message to students from the OTA was '<i>if not sure always ask</i>'. Students were also able to ask the OTA individual questions about aspects of living, working or studying in South Australia.</p> | <p><i>Study Adelaide</i> markets South Australia internationally as a preferred study destination. It also plays a key role in managing a schedule of events and activities for international students to gain an Australian cultural experience. The OTA liaises with <i>Study Adelaide</i> to support opportunities for students.</p> <p>https://studyadelaide.com/</p> |
| | <p>International Education Student & Provider Support</p> <p><i>ISANA State Conference</i></p> <p>The conference focused on workplace issues, careers and employability for international students.</p> <p>The OTA made a presentation to the conference delegates consisting of international education professionals and Training Provider</p> | <p><i>ISANA - International Education Association Inc</i> is an association of Australian and New Zealand international education professionals.</p> <p>http://www.isana.org.au/about-isana/</p> |

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--|---|---|
| | <p>representatives. The OTA's presentation concerned:</p> <ul style="list-style-type: none"> • key issues facing international students; • OTA services available to Training Providers and to students with matters relating to living and working while studying in South Australia; • strategies for improved Training Provider internal complaints handling. | |
| | <p>International Student Seminar</p> <p>The OTA presented at a seminar for 450 international students relating to the role of the OTA and strategies for students to access support in South Australia.</p> | <p>International Student Visa Seminar hosted by <i>Study Adelaide</i> on key topics including employment, visa conditions and student services.</p> |
| | <p>Student Accommodation Association Incorporated (SAA)</p> <p>The OTA attended the SAA's Industry Event to launch the industry consultation process for the <i>Property Accreditation Scheme - Introduction of the Minimum Standards Framework</i>.</p> <p>The scheme is expected to be released in 2019.</p> | <p>The Student Accommodation Association Incorporated (SAA) is the representative body for quality student accommodation providers in Australia.</p> <p>https://studentaccassoc.com.au/About-us</p> |
| <p>Monitoring the training system in accordance with Clause 5</p> | <p>The OTA participated in stakeholder meetings and responded to consultations relating to the training system. Examples are outlined below.</p> | <p>The OTA reviews and analyses data captured during the management of a case. This includes consideration of comments and other anecdotal evidence provided by clients. The OTA utilises this information to respond to state and/or national reviews relating to the training system as a mechanism for contributing to strategies to improve the quality and responsiveness of the training system in South Australia.</p> |

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--------------|---|---|
| | <p>Apprenticeships & Traineeships</p> <p><i>Training and Skills Commission</i></p> <p>The OTA:</p> <ul style="list-style-type: none"> attended 3 meetings with the Chair of the Training and Skills Commission and presented to 1 Commission meeting. This provided the opportunity to present issues raised by employers and apprentices or trainees to inform future policy direction. attended the Training and Skills Commission's launch of the <i>Apprenticeships and Traineeships Jobs 2020 Series Discussion Paper</i>. made a submission to the Training and Skills Commission to respond to the Discussion Paper entitled <i>Future-proofing the SA Apprenticeship and Traineeship system</i>. <p>Recommendations were made to highlight the importance of access to upfront information for prospective employers and apprentices and trainees, and a coordinated approach between administrative, regulatory and support networks in relation to information sharing and early detection of issues.</p> <p>The OTA will enhance its data collection capacity in 2019 to align with the incoming Industry Skills Councils. This will enable relevant information to be provided to the Councils to inform development of industry and skills policies.</p> | <p>The Training and Skills Commission is established under the <i>Training and Skills Development Act 2008 (SA)</i> to provide independent, strategic advice on how South Australia can invest in a sustainable, highly skilled workforce, particularly in key growth sectors.</p> <p>The Training and Skills Commission has delegated functions under Part 4 of the <i>Training and Skills Development Act 2008 (SA)</i> to administer the State's apprenticeship and traineeship system.</p> <p>http://www.tasc.sa.gov.au/</p> |
| | <p>VET Regulation</p> <p><i>Australian Skills Quality Authority (ASQA)</i></p> <p>The OTA continued to liaise with ASQA's South Australia office as it</p> | <p>ASQA is the national regulator for Australia's vocational education and training sector. It regulates courses and Training Providers to ensure nationally approved quality standards are met.</p> |

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--------------|--|--|
| | related to referral of potential compliance and regulatory matters detected by the OTA. | https://www.asqa.gov.au/ |
| | <p>VET Student Loans Ombudsman</p> <p>The VET Student Loans Ombudsman consulted with the OTA regarding the complaints received from South Australian students and to consider strategies to inform system reform.</p> | <p>The Commonwealth VET Student Loans Ombudsman was established on 1 July 2017 to address complaints regarding both the current VET Student Loans scheme and former VET FEE-HELP scheme. VET Student Loans replaced VET FEE-HELP in January 2017.</p> <p>The <i>Higher Education Support Amendment (VET FEE-HELP Student Protection) Act 2018</i> (Cth) was introduced to commence from 1 January 2019. Information is available via the website:</p> <p>http://www.ombudsman.gov.au/about/vslo</p> |
| | <p>International Education</p> <p><i>Tuition Protection Service (TPS)</i></p> <p>The OTA made a presentation to the TPS briefing session attended by the South Australian international Training Providers. The presentation highlighted key issues and services available to support both international students and Training Providers.</p> | <p>The Tuition Protection Service is an Australian Government initiative to assist international students to complete their study in another course or with another Training Provider or obtain a refund if their Provider is unable to fully deliver their courses of study. Information is available via the website:</p> <p>https://tps.gov.au/Home/NotLoggedIn</p> |
| | <p>National Data Collection</p> <p><i>Overseas Student Ombudsman</i></p> <p><i>Overseas Student National Complaint Handlers Network</i> – hosted by the Commonwealth Overseas Student Ombudsman (OSO) aims to work toward nationally consistent complaint handling</p> | <p>The Overseas Student Ombudsman (OSO) investigates complaints about issues raised by international students that relate to private Training Providers in Australia.</p> <p>The OSO refers complainants to other state/territory complaint authorities where</p> |

| Program name | Indicators of performance/ effectiveness/ efficiency | Comments |
|--------------|---|--|
| | <p>procedures for international student matters.</p> <ul style="list-style-type: none"> • The OTA is a member of the Network and the <i>International Student Data Working Group</i> established to implement systems that can capture nationally consistent data to better identify trends and patterns relating to international education. • The OTA upgraded its data collection system in 2018 to capture specific issues against the standards outlined in the <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i>. • In 2018, the OTA responded to 14 cases referred by the OSO. | <p>these are established in that jurisdiction. In South Australia, matters are referred to the OTA for attention.</p> <p>http://www.ombudsman.gov.au/making-a-complaint/overseas-students</p> |

Case Management

Overview

This section provides a brief overview about data relating to new cases lodged with the Office of the Training Advocate (OTA) during the 2018 calendar year for each of the four case categories (apprenticeship/ traineeship, domestic education, international education and other), including information about:

- the number and types of enquiries or complaints received
- commonly raised issues
- the industries or professions identified
- client demographic information

In accordance with legislative requirements, the report does not disclose any information that may identify parties to a matter.

During the initial consultation with the OTA, each client is provided with information to enable them to make an informed choice about how best to address their issue. A client may choose to deal with the matter themselves or request support/advocacy from the OTA. Alternatively, if the OTA is not the appropriate agency to address the matter, the client will be referred to the relevant authority. Where required, the OTA can support a client to access any alternative agency. The OTA client management flow chart on page 32 provides a general overview of the consultation process.

In addition to the OTA's promotional materials, a number of clients located the service via the Training Advocate's website (www.trainingadvocate.sa.gov.au). In 2018, some 7,006 page visits were recorded with the majority accessing the trainees and apprentices page.

Case Management Data

The OTA provides a free and confidential service to respond to questions or complaints about employment and training, as it relates to South Australia, in the following areas:

- Registered Training Organisations (RTO) registered through the Australian Skills Quality Authority (ASQA) to deliver nationally accredited vocational education and training (VET);
- Non-registered Training Providers including those in partnership with a RTO;
- South Australian Schools engaged in VET in Schools, School Based Apprenticeships and/or international education;
- Higher Education Providers registered by the Tertiary Education Quality and Standards Agency (TEQSA);

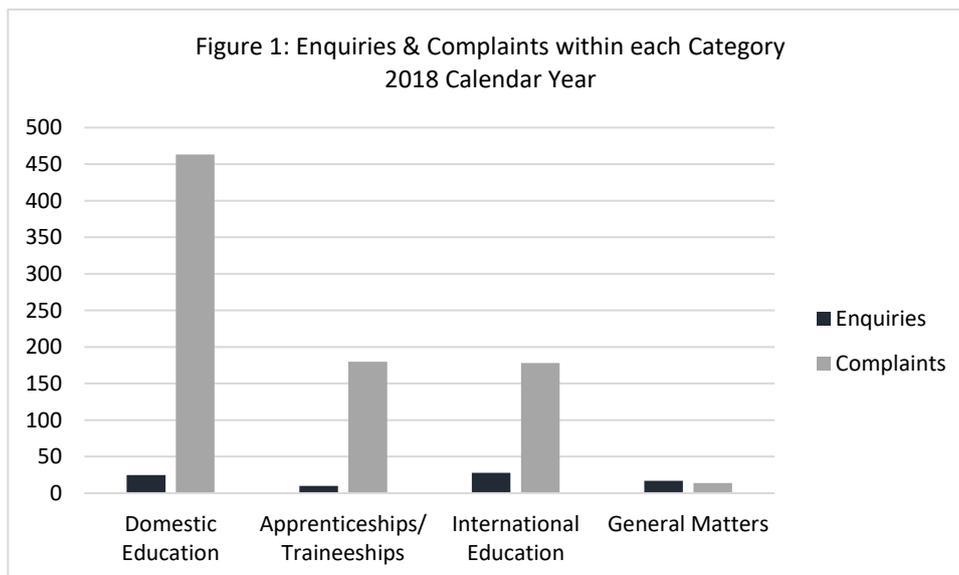
- Education and Training Providers registered on the ‘Commonwealth Register of Institutions and Courses for Overseas Students’ (CRICOS) and delivering programs in accordance with the *Education Services for Overseas Students (ESOS) Act 2000* (Cth) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*;
- Providers of English Language Intensive Courses for Overseas Students (ELICOS);
- Adult Community Education Providers;
- Employers registered to employ apprentices and trainees under Part 4 Division 3, *Training and Skills Development Act 2008* (SA). This is administered by Traineeship and Apprenticeship Services, Department for Industry and Skills (formerly Department of State Development) under delegation of the South Australian Training and Skills Commission.

Note: the OTA can also respond to interstate or off-shore clients enrolled with a South Australian Training Provider⁴ or South Australian clients enrolled with an interstate Training Provider.

In 2018, the OTA responded to 915 new cases with a total of 2,337 issues with many cases requiring action to address more than one issue. 91% of cases were complaints and 9% were enquiries, across four key categories (Figure 1). Key issues are briefly outlined on pages 16 – 24 of this report.

Of the total cases, 88% were lodged by individuals and 12% by organisations.

It is noted that there was an increase from 2017 where there were some 796 new cases with 2,170 issues recorded. A comparison of enquiries and complaints over a five-year period is provided on page 30.



⁴ **Training Providers** (Government and Non-Government) – includes reference to domestic VET Registered Training Organisation (RTO), domestic Higher Education Provider or International Education Provider (ELICOS, VET, Higher Education)

The following section summarises the case management data relating to key issues raised and the industry or profession relating to either the employment or study area within each category.

Apprenticeship/Traineeship Category

During this period, 190 apprenticeship/ traineeship cases were managed with a total of 489 issues. Of these, 95% were complaints. **Key issues** comprised allegations relating to:

1. Employment under a Training Contract:

- *termination, completion or suspension of the Training Contract*
- *payslips and pay rates or other industrial entitlements and allowances*
- *duties performed and trade related training on-the-job*
- *supervision or managing performance*
- *workplace safety, bullying or harassment*
- *internal complaints process*

2. VET Qualification under a Training Contract:

- *payment of the VET Training Provider course fees by either an apprentice/trainee or the employer*
- *a trainee/apprentice being released to attend off-the-job training*
- *academic transcripts*
- *VET Training Provider ceasing to deliver a course, including arrangements for the apprentice/trainee to transfer to an alternative Training Provider*

Other Information

South Australian Employment Tribunal (SAET)

Of the total number of cases, 25 apprentices/ trainees were supported by the OTA through the SAET formal dispute process.

Cases Finalised

183 cases in this category have been finalised. 3 remain active and were carried forward to 2019 for further action with a further 4 carried forward pending a six-month review.

Industry Categories

179 apprenticeship/ traineeship cases identified the industry and/or vocation or trade of study (VET) that the enquiry or complaint related to. The most common industry was

Electrical, Electrotechnology, Energy & Water (Figure 2). A detailed summary of all industry information is provided in the table below.

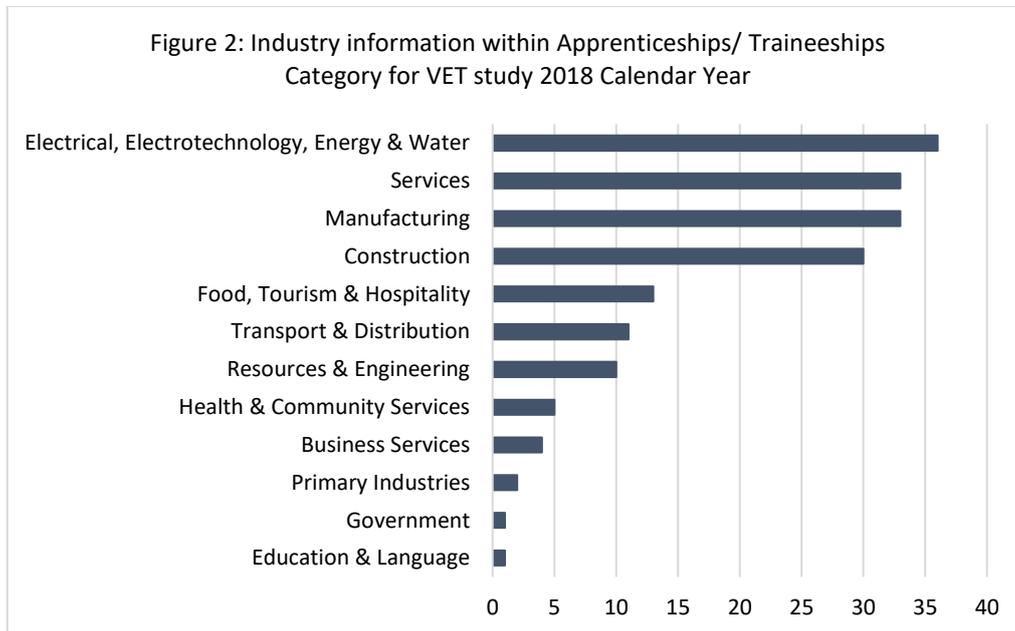


Figure 2 VET Total: 179

Table – VET industry – Apprenticeships/ Traineeships Category:

| | |
|---|----------|
| Electrical, Electrotechnology, Energy & Water | Total 36 |
| Electrician - refrigeration/air-conditioning | 20 |
| Electrotechnology | 12 |
| Water worker | 4 |

| | |
|--------------|----------|
| Services | Total 33 |
| Hairdressing | 29 |
| Retail | 2 |
| Floristry | 1 |
| Real Estate | 1 |

| | |
|-------------------------------------|----------|
| Manufacturing | Total 33 |
| Automotive retail, service & repair | 26 |
| Metal & engineering | 6 |
| Plastics, rubber & cabling | 1 |

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|------------------------|----------|
| Construction | Total 30 |
| Carpentry & joinery | 11 |
| Plumbing & gasfitting | 7 |
| Floor & wall tiling | 7 |
| Plastering | 3 |
| General - construction | 1 |
| Painting & decorating | 1 |

| | |
|-----------------------------|----------|
| Food, Tourism & Hospitality | Total 13 |
| Cooking | 7 |
| Hospitality – general | 2 |
| Baking and/or breadmaking | 2 |
| Butchering | 2 |

| | |
|--------------------------|----------|
| Transport & Distribution | Total 11 |
| Transport | 8 |
| Storeworker | 2 |
| Driving | 1 |

| | |
|------------------------------|----------|
| Resources & Engineering | Total 10 |
| Metal fabrication | 4 |
| Mechanical engineering | 4 |
| Civil/structural engineering | 2 |

| | |
|---------------------------------|---------|
| Health & Community Services | Total 5 |
| Community services – aged care | 2 |
| Community services – child care | 2 |
| Health – dental | 1 |

| | |
|------------------------|---------|
| Business Services | Total 4 |
| Business Services | 3 |
| Information Technology | 1 |

| | |
|--------------------|---------|
| Primary Industries | Total 2 |
| Horticulture | 2 |

| | |
|------------------------------|---------|
| Education & Language | Total 1 |
| Education & support teaching | 1 |

| | |
|------------|---------|
| Government | Total 1 |
| Government | 1 |

Domestic Education Category

During this period, 488 domestic education cases were managed with a total of 1,345 issues. Of these, 95% were complaints. 2 cases related to Adult Community Education. **Key issues** comprised allegations relating to:

- *VET-FEE HELP/ VET Student Loans debts, including the terms and conditions for withdrawals, Census dates, enrolment, marketing practices and complaint processes*
- *refunds and course fee written agreements*
- *non-Registered Training Provider course marketing*
- *up-front course information for online learning*
- *work placement arrangements (practical assessment) required as part of the qualification*
- *Training Provider closures, including arrangements for the student to transfer to an alternative Training Provider*
- *academic transcripts*
- *assessment feedback and student support*
- *study mode amendments during a student's enrolment, such as changes from classroom-based learning (face-to-face) to online learning*

Other Information

Cases Finalised

451 cases in this category have been finalised. 13 remain active carried forward to 2019 for further action with a further 24 carried forward pending a six-month review.

Industry and/or Professional Categories

445 domestic education cases identified the industry and/ or vocation or profession of study (whether Higher Education or VET) that the enquiry or complaint related to.

The most common industry in VET was Health & Community Services (Figure 3a) with Education as the key professional study area recorded in Higher Education (Figure 3b).

A detailed summary of all VET industry information is provided in the table below.

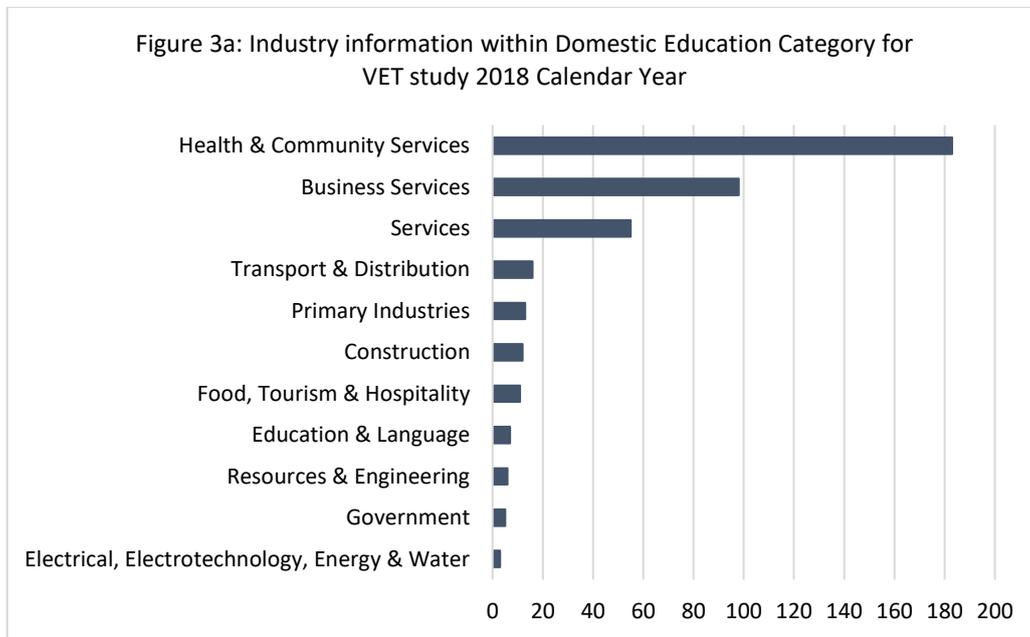


Figure 3a VET Total: 409

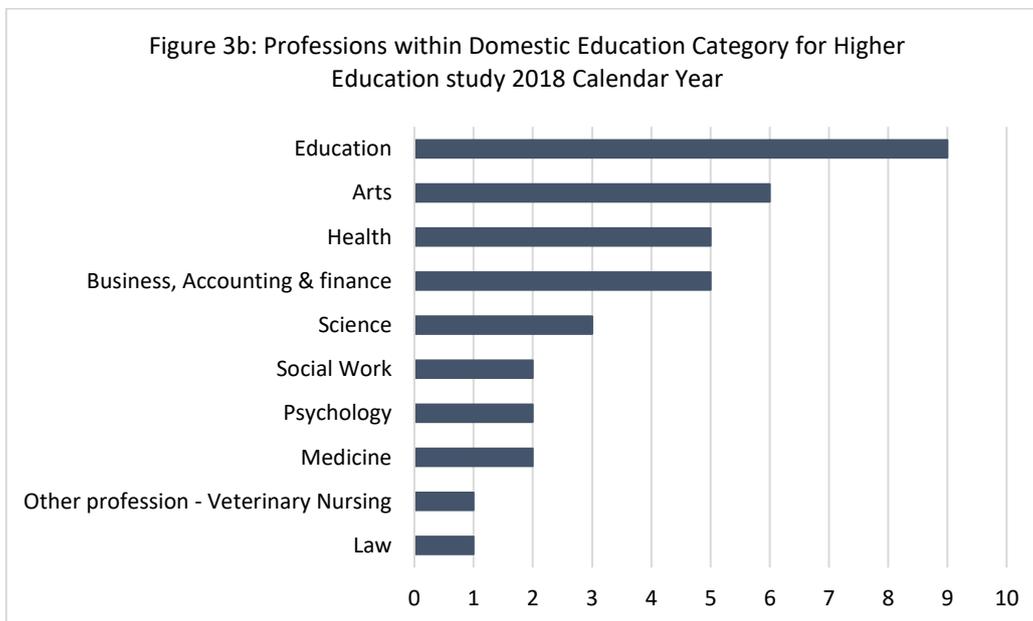


Figure 3b Higher Education Total: 36

Table – VET industry – Domestic Education Category:

| | |
|------------------------------------|-----------|
| Health & Community Services | Total 183 |
| Health - Nursing | 43 |
| Community services – other | 34 |
| Community services – child care | 28 |
| Community services – aged care | 24 |
| Health – other | 12 |
| Community services – disability | 11 |
| Community services – youth work | 11 |
| Community services – mental health | 6 |
| Health – natural therapies | 4 |
| Health – dental | 3 |
| Community services – counselling | 3 |
| Community services – art therapy | 2 |
| Health – health service assistance | 2 |

| | |
|-----------------------------------|----------|
| Business Services | Total 98 |
| Business services | 29 |
| Management | 29 |
| Information technology | 9 |
| Financial services | 8 |
| Assessment & workplace training | 5 |
| Marketing | 4 |
| Property development & management | 4 |
| Logistics | 3 |
| Human resources | 2 |
| Printing & graphic arts | 2 |
| Work health & safety | 2 |
| Asset security | 1 |

| | |
|--------------------------------------|----------|
| Services | Total 55 |
| Visual/creative arts, craft & design | 15 |
| Fitness industry | 9 |
| Hairdressing | 7 |
| Beauty | 6 |
| Real Estate | 6 |
| Entertainment | 4 |

| | |
|------------------------------|---|
| Film, TV, radio & multimedia | 3 |
| Music | 2 |
| Sport | 2 |
| Retail | 1 |

| | |
|--------------------------|----------|
| Transport & Distribution | Total 16 |
| Aviation | 8 |
| Driving | 4 |
| Transport | 3 |
| Storeworker | 1 |

| | |
|--------------------------------|----------|
| Primary Industries | Total 13 |
| Animal care & management | 9 |
| Farming | 1 |
| Fisheries | 1 |
| Urban management | 1 |
| Conservation & land management | 1 |

| | |
|------------------------|----------|
| Construction | Total 12 |
| General - construction | 7 |
| Plumbing & Gasfitting | 3 |
| Civil construction | 2 |

| | |
|-----------------------------|----------|
| Food, Tourism & Hospitality | Total 11 |
| Cooking | 5 |
| Hospitality – general | 5 |
| Tourism | 1 |

| | |
|------------------------------|---------|
| Education & Language | Total 7 |
| Education & support teaching | 5 |
| Foundation | 1 |
| Interpreting | 1 |

| | |
|------------------------------|---------|
| Resources & Engineering | Total 6 |
| Mechanical engineering | 5 |
| Civil/structural engineering | 1 |

| | |
|----------------------------|---------|
| Government | Total 5 |
| Government | 3 |
| Justice & policing studies | 2 |

| | |
|---|---------|
| Electrical, Electrotechnology, Energy & Water | Total 3 |
| Electrician - refrigeration/air-conditioning | 2 |
| Electrotechnology | 1 |

International Education Category

The OTA provides an International Student Advisory Service to assist international students with any aspect of their *living, working or study* arrangements during their stay in South Australia.

During this period, 206 international education cases were managed with a total of 453 issues. Of these, 86% were complaints. **Key issues** comprised allegations relating to:

- *refunds and course fee written agreements*
- *overseas student visa requirements, including a student maintaining satisfactory academic progress and attendance*
- *students seeking to transfer to an alternative Training Provider or vary a course of study*
- *course entry conditions*
- *complaints and appeals processes*
- *assessment feedback and resubmissions*
- *work placement arrangements (practical assessment) required as part of the qualification*
- *deferring, suspending or cancelling enrolment*
- *accommodation/homestay transfers or commercial arrangements*

Other Information

External Appeals⁵

Of the total number of cases, 33 were requests for an External Appeal received by the OTA.

Cases Finalised

196 cases in this category have been finalised. 2 remain active and were carried forward to 2019 for further action, with a further 8 carried forward pending a six-month review.

Cases transferred by the Overseas Student Ombudsman (OSO)

The OSO refers matters relating to international students studying in South Australia to the OTA for attention. In 2018, the OSO referred 14 cases to the OTA.

⁵ **External Appeal** – the *ESOS Act 2000* (Cth) makes provision for international students to access an independent external complaints or appeals process. In South Australia, the OTA conducts impartial external appeals under Clause 2.3 of the Training Advocate's Charter of Functions. A student will access the external appeal process if they are dissatisfied with the result of their Training Provider's internal complaints handling process.

VET Industry and/or Professional Categories

147 international education cases identified the industry and/or vocation or profession of study (whether ELICOS, Non-Award, Higher Education or VET) that the enquiry or complaint related to.

The most common industry in VET was Health & Community Services (Figure 4a) with Business, Accounting & Finance as the main Higher Education study area (Figure 4b) and a high number studying English courses (4c).

A detailed summary of all VET industry information is provided in the table below.

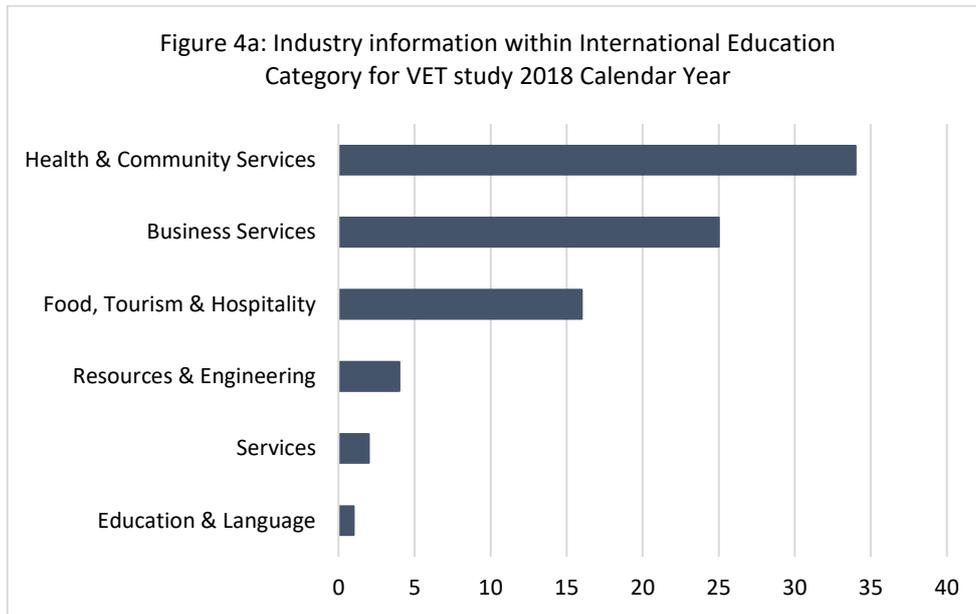


Figure 4a VET Total: 82

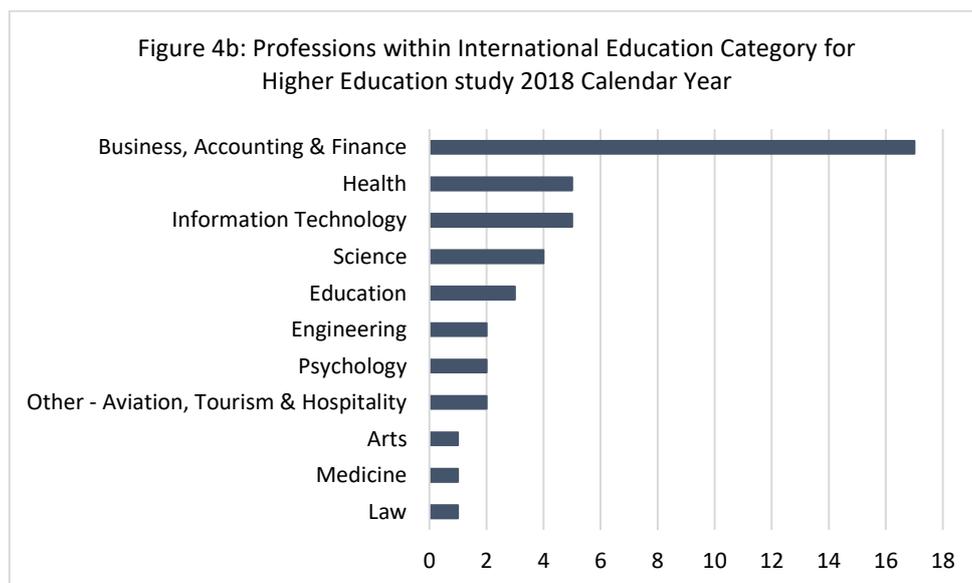


Figure 4b Higher Education Total: 82

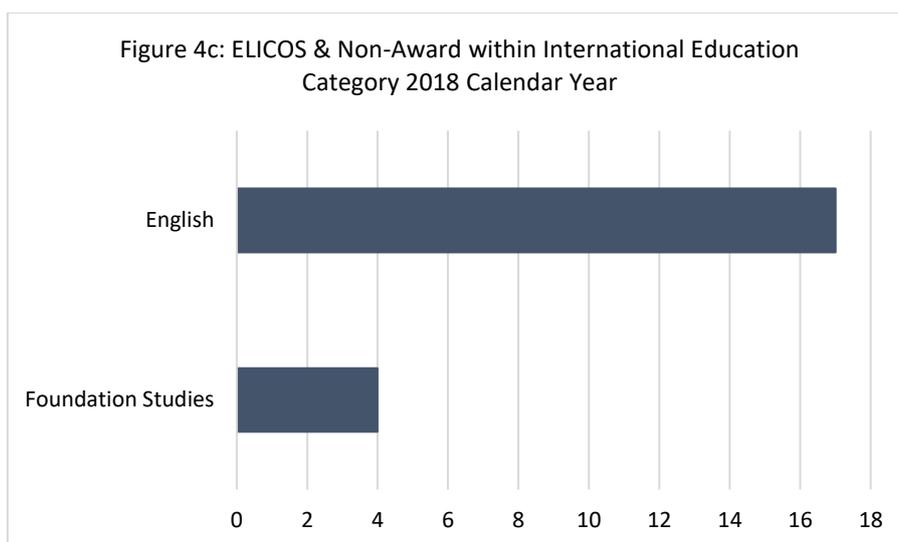


Figure 4c ELICOS & Non-Award Total: 22

Table – VET industry – International Education Category:

| | |
|--------------------------------------|----------|
| Health & Community Services | Total 34 |
| Health - Nursing | 15 |
| Community services – aged care | 11 |
| Health – other | 5 |
| Community services – other | 3 |
| Business Services | Total 25 |
| Business services | 8 |
| Information technology | 8 |
| Management | 4 |
| Financial services | 2 |
| Marketing | 2 |
| Human resources | 1 |
| Food, Tourism & Hospitality | Total 16 |
| Cooking | 10 |
| Hospitality – general | 6 |
| Resources & Engineering | Total 4 |
| mechanical engineering | 4 |
| Services | Total 2 |
| Visual/creative arts, craft & design | 1 |
| Sport | 1 |

| | |
|----------------------|---------|
| Education & Language | Total 1 |
| Interpreting | 1 |
| | |

In 2018, of the 206 international student cases, 103 international students identified their country of origin, with the majority being from India or China, as follows:

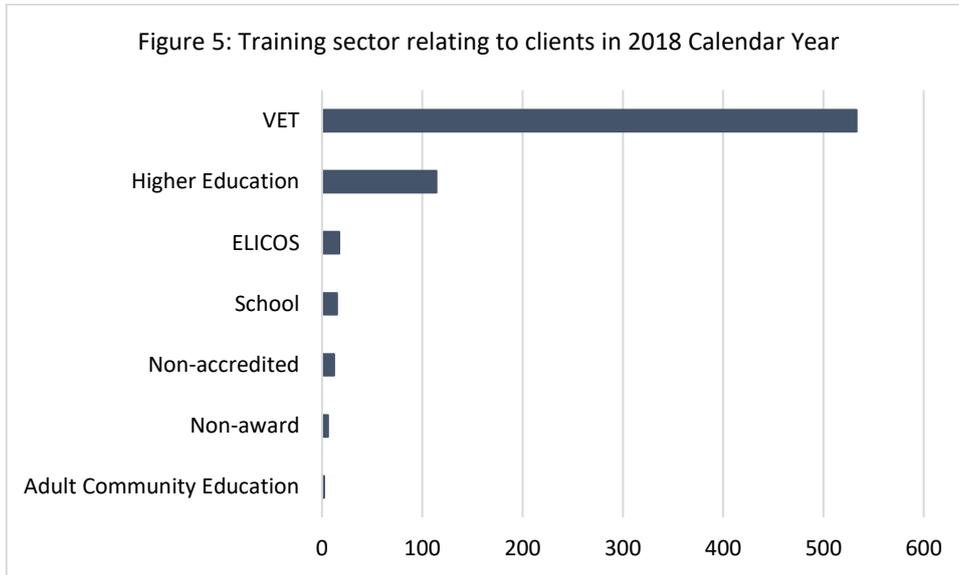
| Country of Origin | 2018 | 2017 57 of 122 students | 2016 50 of 129 students | 2015 83 of 169 students |
|-------------------|------|-------------------------------|----------------------------|----------------------------|
| Bangladesh | 1 | 1 | - | - |
| Bhutan | 1 | - | - | - |
| Brazil | 2 | - | - | 1 |
| Chile | - | 1 | - | 1 |
| China | 21 | 15 | 12 | 29 |
| Colombia | 2 | - | - | - |
| Ecuador | - | - | 1 | - |
| France | - | 1 | - | - |
| Germany | 1 | - | 3 | - |
| Hong Kong | 2 | 1 | 1 | - |
| India | 23 | 13 | 17 | 19 |
| Iran | 1 | - | - | - |
| Italy | 2 | 2 | 1 | 2 |
| Jamaica | - | - | - | 1 |
| Japan | 1 | 2 | - | 3 |
| Kenya | 3 | 6 | 1 | - |
| Korea, South | 2 | - | 1 | - |
| Lebanon | 1 | - | - | - |
| Macedonia | - | 2 | - | - |
| Malaysia | 5 | - | - | 1 |
| Nepal | 4 | 1 | 1 | 2 |
| Nigeria | 1 | 1 | - | 1 |
| Pakistan | 3 | 3 | 3 | - |
| Papua New Guinea | 1 | - | - | - |
| Philippines | 5 | 1 | - | 1 |
| Poland | 1 | - | - | 1 |
| Portugal | 2 | - | - | - |
| Saudi Arabia | 5 | - | 3 | 10 |
| Slovakia | 1 | - | - | - |
| South Africa | - | - | - | 1 |
| Spain | - | 1 | - | - |

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| | | | | |
|----------------------|---|---|---|---|
| Sri Lanka | - | 2 | - | 1 |
| Switzerland | | - | 1 | - |
| Taiwan | 1 | - | - | - |
| Thailand | - | 1 | 1 | - |
| United Arab Emirates | 1 | - | 1 | - |
| United States | 2 | - | - | - |
| Venezuela | | - | - | 1 |
| Vietnam | 7 | 3 | 2 | 7 |
| Zambia | 1 | - | - | - |
| Zimbabwe | - | - | 1 | - |

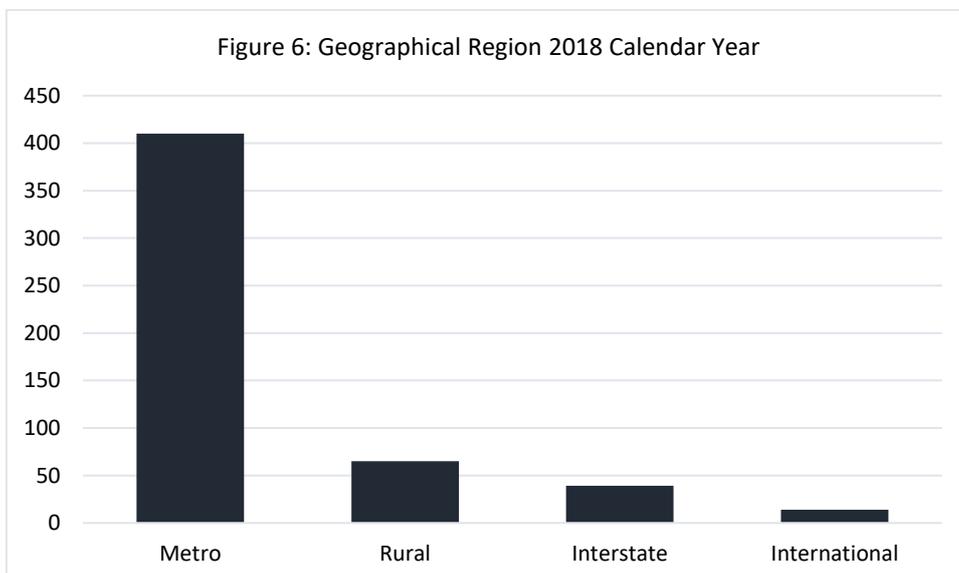
Education & Training Sectors

699 cases identified the sector relating to the student's study arrangements as outlined in Figure 2.



Geographical Region

The OTA's service continued to be accessed by a small number of students living in a regional area, overseas or interstate. Students not residing in South Australia generally seek assistance regarding their enrolment with a South Australian organisation or information about the State's training system.



The table provides an outline of key data relating to enquiries and complaints received over the past 5 years.

| Five Year Comparison Data | | | | | |
|--|-------|-------|-------|-------|-------|
| | 2018 | 2017 | 2016 | 2015 | 2014 |
| Total cases per Year | 915 | 796 | 895 | 879 | 965 |
| Total issues | 2,337 | 2,170 | 2,427 | 2,158 | 1,693 |
| Total cases per Category | | | | | |
| International Education | 206 | 122 | 129 | 169 | 167 |
| Apprenticeships/ Traineeships | 190 | 167 | 177 | 218 | 384 |
| Domestic Education | 488 | 474 | 553 | 464 | 393 |
| Other | 31 | 33 | 36 | 28 | 21 |
| Complaints per Category | | | | | |
| International Education | 178 | 114 | 107 | 134 | 128 |
| Apprenticeship/ Traineeship | 180 | 144 | 137 | 187 | 324 |
| Domestic Education | 463 | 429 | 493 | 407 | 341 |
| General Training Matters | 14 | 18 | 16 | 12 | 3 |
| Enquiries per Category | | | | | |
| International Education | 28 | 8 | 22 | 35 | 39 |
| Apprenticeship/ Traineeship | 10 | 23 | 40 | 31 | 60 |
| Domestic Education | 25 | 45 | 60 | 57 | 52 |
| General Training Matters | 17 | 15 | 20 | 16 | 18 |
| Total OTA apprentice/trainee disputes lodged in South Australian Employment Tribunal (note: Industrial Relations Commission pre-30 June 2017) | 25 | 13 | 18 | 29 | 43 |
| Total international student external appeals conducted by OTA | 33 | 10 | 17 | 33 | 23 |

Explanation of Terms

Enquiry – request for information about any aspect of the training system. Enquiries from international students may 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. For international students, this also includes dissatisfaction in connection with living or working arrangements.

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 32.
- **Organisations** – employers, Training Providers, Australian Apprenticeship Network Providers, schools, peak bodies and government agencies. Primarily, clients are provided with information, advice and/or assistance in relation to systemic issues.

Case – refers to a client registered with the Office of the Training Advocate presenting a new enquiry or complaint for attention.

International Student - classified as a person holding a visa type (categorised by the Department of Home Affairs (DHA)) that is recognised by the *Education Services for Overseas Students (ESOS) Act 2000* (Cth).

Issue - refers to one or multiple issues raised by a client in lodging a case.

External Appeal – the *ESOS Act 2000* (Cth) makes provision for international students to access an independent external complaints or appeals process. In South Australia, the OTA conducts impartial external appeals under Clause 2.3 of the Training Advocate's Charter of Functions. A student will access the external appeal process if they are dissatisfied with the result of their Training Provider's internal complaints handling process.

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.

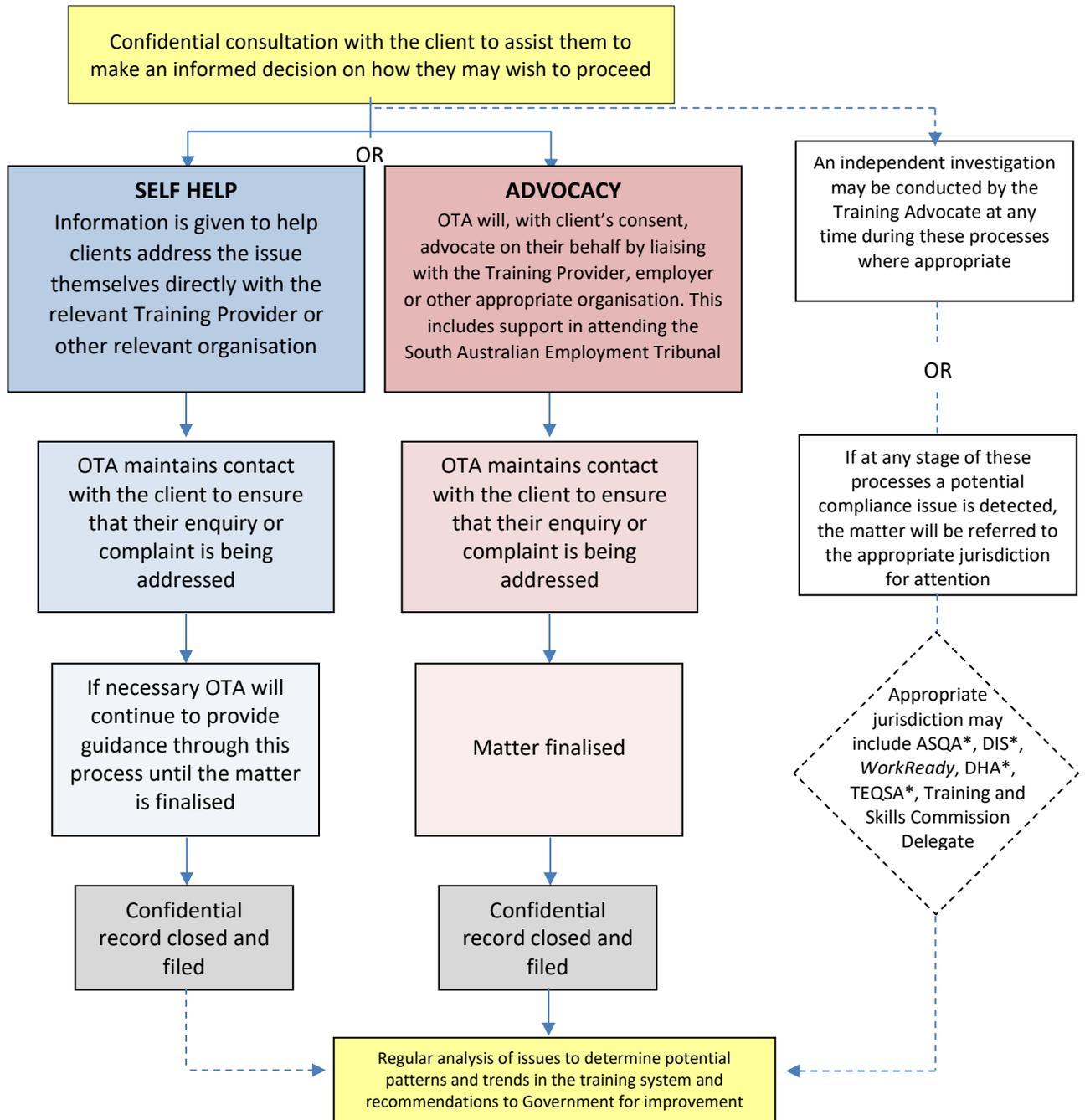
Apprenticeships and Traineeships - relates to apprenticeships and traineeships under Part 4 of the *Training and Skills Development Act 2008* (SA), which provides the regulatory framework for the apprenticeship and traineeship system in South Australia.

A Training Contract - is a legally binding document that is agreed to by a trainee or apprentice and their registered employer. The Training Contract combines paid work with structured formal training toward a nationally recognised qualification. The Training Contract and the relevant industrial award or agreement form the basis of the employment and training conditions.

South Australian Employment Tribunal (SAET) – The *Training and Skills Development Act 2008* (SA) makes provision for grievances and disputes relating to a Training Contract to be lodged with the SAET. The Training Advocate supports apprentices/ trainees to prepare for and attend the SAET processes, including conciliation and formal Hearing proceedings.

General Matters - Employment and/or Training – relates to information of a general nature about the training and employment system that does not fall within any other category.

Office of the Training Advocate - client management and consultation process



*ASQA: Australian Skills Quality Authority
 *DIS: Department for Industry and Skills
 *DHA: Department of Home Affairs
 *TEQSA: Tertiary Education Quality and Standards Agency

Legislation administered by the agency Nil

Organisation of the agency

The Training Advocate is supported by 5 staff comprising:

1 Manager, Complaints and Investigations; 2 Advisors (case officers); 1 International Student Services Advisor; and 1 Client Information Officer/Office Administrator.

These officers carry out functions under the Training Advocate’s delegated authority in accordance with section 23 of the *Training and Skills Development Act 2008* (SA).

Other agencies related to this agency (within the Minister’s area/s of responsibility)

Agencies include:

- Department for Industry and Skills (formerly the Department of State Development to July 2018) - <https://industryandskills.sa.gov.au/skills>
- Training and Skills Commission - <http://www.tasc.sa.gov.au/>
- Small Business Commissioner South Australia - <https://www.sasbc.sa.gov.au/>
- The Industry Advocate - <https://industryadvocate.sa.gov.au/>

Employment opportunity programs

| Program name | Result of the program |
|--------------|-----------------------|
| Nil | Nil |

Please refer to the Department’s 2017/2018 Annual Report at <https://industryandskills.sa.gov.au/about-us/publications-and-reports>

Agency performance management and development systems

| Performance management and development system | Assessment of effectiveness and efficiency |
|---|---|
| Performance Development Plan (PDP) requires two formal sessions with a line manager per year. | Each staff member reporting to the Training Advocate participated in performance development sessions during 2018. This meets the 100% agency target. |

Occupational health, safety and rehabilitation programs of the agency and their effectiveness

| Occupational health, safety and rehabilitation programs | Effectiveness |
|---|---|
| Workplace Health and Safety (WHS) Training | <p>All OTA staff participate in the required on-line training programs in accordance with the Department for Industry and Skills policy directions.</p> <p>One OTA staff member holds accreditation in HLTAID001 Provide cardiopulmonary resuscitation; HLTAID002 Provide basic emergency life support; HLTAID003 Provide first aid. Standard Mental Health First Aider</p> |

Fraud detected in the agency

| Category/nature of fraud | Number of instances |
|--------------------------|---------------------|
| Nil | Nil |

Strategies implemented to control and prevent fraud

The Department has strategies in place to address the risk of fraud, including policies and procedures that are aligned to the South Australian Public Sector Fraud and Corruption Control Policy and the Financial Management Compliance Program. This is overseen by the Department's Audit and Risk Management Committee. The OTA's processes comply with these policies. No incidents of fraud were identified by OTA during the 2018 year.

For additional information please see the Department for Industry and Skills data for past three years which is available at: <https://statedevelopment.sa.gov.au/datasa-fraud>

Whistle-blowers' disclosure

| | |
|---|-----|
| Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the <i>Whistle-blowers' Protection Act 1993</i> (SA) | Nil |
|---|-----|

For additional information please see the Department for Industry and Skills data for the past five years which is available at: <https://statedevelopment.sa.gov.au/datasa-whistle-blowers>

Executive employment in the agency

| Executive classification | Number of executives |
|--|----------------------|
| The Training Advocate is a statutory appointment | 1 |

Department for Industry and Skills data for the past five years is available at:
<https://statedevelopment.sa.gov.au/datas-a-executive-employment>

For further information, the Office for the Public Sector has a data dashboard on the breakdown of executive gender, salary and tenure by agency.

Consultants

No external consultants were engaged by the Office of the Training Advocate

| Consultants | Purpose | Value |
|-------------------|---------|-------|
| All consultancies | Nil | \$0 |

For more information please refer to the Department's data at:
<https://statedevelopment.sa.gov.au/datas-a-consultants>

See also <https://www.tenders.sa.gov.au/tenders/index.do> for a list of all external consultancies, including nature of work and value. See also the Consolidated Financial Report of the Department of Treasury and Finance <http://treasury.sa.gov.au/> for total value of consultancy contracts across the SA Public Sector.

Financial performance of the agency

The Department for Industry and Skills (formerly the Department of State Development) allocates the resources required for the OTA to function as a component of the Employment and Skills Formation Activity. Financial information is therefore incorporated with the Department's financial statement published within the Department's 2017/2018 Annual Report. For full audited financial statements for 2017/2018 please refer to:
<https://industryandskills.sa.gov.au/about-us/publications-and-reports>

Other information requested by the Minister(s) or other significant issues affecting the agency or reporting pertaining to independent functions

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 Training Advocate's functions as per s 22 *Training and Skills Development Act 2008 (SA)*. The annual report (s 25 (2)) is required to include any written directions received from the Minister. No Ministerial directions were received by the Training Advocate in 2018.

Section B: Reporting required under any other act or regulation

Reporting required under the *Carers' Recognition Act 2005 (SA)*

The *Carers' Recognition Act 2005* is deemed applicable for the Department for Industry and Skills (formerly Department of State Development).

Section 7: Compliance or non-compliance with section 6 of the Carers Recognition Act 2005 and (b) if a person or body provides relevant services under a contract with the organisation (other than a contract of employment), that person's or body's compliance or noncompliance with section 6.

The Department promoted the *Carers Recognition Act 2005* on the intranet site and incorporates information in the on-line induction program, which is available to all OTA employees.

Please refer to the Department's 2017/2018 Annual Report at:
<https://industryandskills.sa.gov.au/about-us/publications-and-reports>

Section C: Reporting of public complaints as requested by the Ombudsman

Summary of complaints by subject

| Public complaints received by the Office of the Training Advocate | |
|---|----------------------------|
| Category of complaints by subject | Number of instances |
| No complaints relating to the services provided by the Office of the Training Advocate were received. | 0 |