

Complaint Handling Organisations Question and Answer Panel

Council of International Students Australia

9 July 2014



- Australian Human Rights Commission
- Fair Work Ombudsman
- Overseas Students Ombudsman
- Ombudsman New South Wales
- Ombudsman Queensland
- Ombudsman South Australia
- Ombudsman Western Australia
- Ombudsman Victoria
- Training Advocate, South Australia

The Australian Human Rights Commission

1. The role of the Commission
2. The Commission's Investigation & Conciliation Service
3. The complaint process

The Australian Human Rights Commission

4. What type of things can international students complain about?
- racial discrimination
 - disability discrimination
 - age discrimination
 - sex discrimination
 - other discrimination in employment
 - breaches of human rights

The Fair Work Ombudsman



- Independent government agency
- We make sure that everyone's rights at work are protected, understood and enforced
- We work with both employers and employees
 - Eg. we provide free assistance and advice
 - Eg. we investigate complaints
- Natalie James is the Fair Work Ombudsman and is supported by 800 staff around Australia

Overseas Workers Team

Overseas Workers Team is a strategic national team of 16 Fair Work Inspectors

- Educate employers and employees about workplace rights and obligations
- Investigate workplace complaints from overseas workers and newly arrived migrants



Overseas Students Ombudsman

- We investigate complaints from overseas students about private universities, colleges and schools
- We work with education providers to help them improve their internal complaints and appeals processes
- We report to government on trends and systemic issues that we see from the complaints we investigate

Complaints we can consider

- Refunds and fee disputes
- Your education provider intends to report you to Immigration for poor course progress or attendance
- Release letter and transfer requests
- Cancellation of enrolment, deferrals, education agents
- Problems with academic transcripts or completion certificates

The Ombudsman

- There is an Ombudsman office in every State and Territory in Australia
- We are an impartial and independent external complaint handling body
- There is no cost to access our services

Our jurisdiction

- We investigate complaints about actions or decisions that relate to a **matter of administration** and affect someone in their **personal capacity**
- Our jurisdiction extends to most State government departments and authorities, including **public universities**, TAFEs, technical colleges, schools

Types of administrative error

- The decision or action was:
 - Contrary to law
 - Unreasonable, unjust, discriminatory or improperly oppressive
 - Taken for an improper purpose or taking into account irrelevant considerations
 - Based on a mistake of law or fact
 - Wrong
- Reasons should have been given but weren't

What can we achieve

- We can make recommendations only
- We may recommend the university:
 - Review or reconsider a decision
 - Rehear an appeal
 - Provide reasons for a decision
 - Vary a practice or procedure
 - Provide an apology

Training Advocate's Charter of Functions

- Information and advice
- Promoting the benefits of employment, education and training
- Independent complaints and investigations
- Advocacy
- Monitoring the training system

www.trainingadvocate.sa.gov.au

Strategic role

Working with key agencies...

- International Student Card
- International Student Accommodation Working Party
- Student Seminars
- 'Health in All' – fact sheet

www.trainingadvocate.sa.gov.au