

27 March 2025

Ms Sarah Bendall
First Assistant Ombudsman
National Student Ombudsman
GPO Box 442
Canberra ACT 2601
[REDACTED]

Dear Ms Bendall

RE: Letter of Exchange between the South Australian Skills Commission and the National Student Ombudsman

This letter is to establish arrangements to manage relations between our organisations regarding complaints about the higher education sector.

Legislation was passed on 28 November 2024 establishing the National Student Ombudsman (NSO) under Part IIF of the *Ombudsman Act 1976* (the Ombudsman Act). The NSO was established as the primary escalated complaints handling mechanism for students within the higher education sector. This includes the handling of complaints from or on behalf of former, current or prospective higher education students, about the actions of their higher education provider.

The South Australian Skills Commission (SASC) was established by the *South Australian Skills Act 2008*¹ (the SA Skills Act). The SA Skills Act sets down the SASC's functions and these include: 'to undertake complaint handling and provide, where appropriate, mediation and advocacy services in disputes relating to apprenticeships and traineeships, vocational education and training, higher education or international education'².

The *Ombudsman (National Student Ombudsman) Rules 2025* identify prescribed bodies that can share information with the NSO, despite any other laws³. The SASC is listed as a prescribed body and as such, is authorised to transfer to the NSO, a complaint or part of a complaint, about an action taken by a higher education provider.

¹ Section 15 *South Australian Skills Act 2008*

² Section 19 (1)(d) *South Australian Skills Act 2008*

³ Section 21 AE *Ombudsman Act 1976*

The SASC will continue to undertake complaint handling relating to vocational education and training (VET) in South Australia.

I understand that the NSO can share information relevant to the broader functions of a prescribed body⁴. Further, that the NSO can share information about a complaint with other Commonwealth and State or Territory bodies⁵.

Further, the SASC may also request⁶ and share information with other prescribed bodies relevant to the broader functions of a prescribed body⁷.

I would like to establish arrangements that will focus on coordination, cooperation and information sharing between our two organisations for the effective oversight of the higher education sector.

I propose that the NSO and the SASC agree to:

- facilitate referrals between our organisations where appropriate
- ensure all complaint referrals between our organisations are undertaken with the express informed consent of the complainant
- share information, policy and guidance documents, including complaint assessment matrices, to ensure our organisations have the information required to accurately communicate complaints pathways to students
- share de-identified complaint data to enable the NSO to report on the volume of student complaints across Australia, and to consider national complaint trends among the higher education sector
- establish regular formal engagement and maintain contact lists of relevant officers to resolve any jurisdictional or administrative matters between our organisations
- partner together on stakeholder engagement initiatives within the South Australian jurisdiction to promote best practice complaints handling for the higher education sector

⁴ Section 21AZG(4) *Ombudsman Act 1976*

⁵ Section 21AH *Ombudsman Act 1976*

⁶ Section 70C *South Australian Skills Act 2008*

⁷ Section 70D *South Australian Skills Act 2008*

- manage complaints so that SASC handles complaints relating to a VET course or a student who is or was only a VET student, and the NSO handles complaints by current, former and prospective higher education students in relation to any course of study with a higher education provider registered with the Tertiary Education Quality and Standards Agency (TEQSA).

I propose that if the above is acceptable to the NSO, this letter and your letter of reply shall together constitute an Exchange of Letters between our two agencies and that a copy of this Exchange of Letters be published to our respective websites.

I further propose that this Exchange of Letters does not create any enforceable legal rights or obligations between our organisations.

Nonetheless, we agree to act reasonably and cooperate in good faith in accordance with the terms of this Exchange of Letters.

Additionally, if a dispute cannot be resolved at the contact officer level, the dispute will be escalated to the officers nominated by the contact officer for each organisation, for resolution.

This Exchange of Letters shall commence on the date the NSO provides the letter of confirmation and will continue until either organisation provides notice to vary or terminate the arrangement.

Yours sincerely



Commissioner Cameron Baker
Chair of the South Australian Skills Commission