



Better and Fairer Schools (Information Management) Act 2024

No. 111, 2024

**An Act to amend the *Student Identifiers Act 2014*,
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Better and Fairer Schools (Information Management) Act 2024

No. 111, 2024

An Act to amend the *Student Identifiers Act 2014*, and for related purposes

[Assented to 10 December 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Better and Fairer Schools (Information Management) Act 2024*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Student Identifiers Act 2014

1 Section 3 (paragraph beginning “The Student Identifiers Registrar”)

Repeal the paragraph, substitute:

The Student Identifiers Registrar must assign a student identifier or a schools identifier to an individual on application. A schools identifier cannot be used as a student identifier until it is validated by the Registrar.

2 Section 3 (paragraph beginning “On request by an individual”)

Repeal the paragraph, substitute:

On request by an individual or by certain entities, the Registrar may verify that an identifier is the individual’s student identifier or schools identifier, or give the individual’s student identifier or schools identifier.

The Registrar may also, on request by certain entities, give information (called school identity management information) about a school student to the entity, or verify any such information held by the entity.

3 Section 3 (paragraph beginning “Records of”)

Repeal the paragraph, substitute:

Records of student identifiers, schools identifiers and school identity management information (together called protected information) must be protected from misuse. Collection, use and disclosure of an individual’s protected information without the individual’s consent is prohibited, unless it is authorised by this Act. The Information Commissioner may deal with a breach of

these rules as an interference with privacy under the <i>Privacy Act 1988</i> .

4 Subsection 4(1)

Insert:

alternative schooling arrangement means a schooling arrangement that is acceptable under a law of a State or Territory as an alternative to a requirement under that law to enrol at, or attend, a school.

approved authority for a school has the same meaning as in the *Australian Education Act 2013*.

Education Ministerial Council means:

- (a) if there is a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to school education and higher education—that body; or
- (b) otherwise—a body prescribed by the regulations.

prescribed public body of a State or Territory means a public body of a State or Territory prescribed by the regulations.

protected information of an individual means:

- (a) a student identifier of the individual; or
- (b) a schools identifier of the individual; or
- (c) the individual's school identity management information.

school means a school, college or other educational institution that provides primary or secondary level education.

school identity management information, in relation to an individual, has the meaning prescribed by the regulations.

schools identifier means an identifier assigned to an individual by the Registrar under section 13B.

5 Subsection 4(1) (definition of *student identifier*)

Repeal the definition, substitute:

student identifier means:

- (a) an identifier assigned to an individual by the Registrar under section 10 or paragraph 12(1)(b) or 13E(1)(c); or
- (b) a schools identifier of an individual validated by the Registrar under section 13D.

6 Section 8 (paragraph beginning “The Student Identifiers Registrar”)

Omit “already have a student identifier”, substitute “already have a student identifier or schools identifier”.

7 Section 8 (paragraph beginning “Generally”)

Omit “an identifier”, substitute “a student identifier”.

8 Section 8 (paragraph beginning “On request by an individual”)

Repeal the paragraph, substitute:

The Registrar must assign a schools identifier to an individual, on application on behalf of the individual, if the individual does not already have a student identifier or schools identifier. A schools identifier cannot be used as a student identifier until it is validated by the Registrar.

An individual may apply to the Registrar for a schools identifier to be validated. The Registrar must validate the schools identifier if the individual’s identity has been verified, the identifier is the individual’s schools identifier, and the individual does not already have a student identifier.

On request by an individual or by certain entities, including entities involved with vocational education and training, higher education or school education, the Registrar may verify that an identifier is the individual’s student identifier or schools identifier, or give the individual’s student identifier or schools identifier.

The Registrar may also, on request by certain entities including entities involved with school education in a State or Territory, give information (called school identity management information) about

a school student in that State or Territory to the entity, or verify any such information held by the entity.

9 Section 8 (paragraph beginning “Anyone”)

After “student identifiers”, insert “, schools identifiers or school identity management information (together called protected information)”.

10 Section 8 (paragraph beginning “Collection”)

Omit “student identifier”, substitute “protected information”.

11 Section 8 (paragraph beginning “The Information Commissioner”)

Omit “student identifiers” (wherever occurring), substitute “protected information”.

12 Section 9 (heading)

Omit “an identifier”, substitute “a student identifier”.

13 Subsections 9(1) and (2)

Omit “an identifier”, substitute “a student identifier”.

14 At the end of section 9

Add:

- (4) If the Registrar is satisfied that the individual has already been assigned a schools identifier, the application is taken to be an application under section 13C for the schools identifier to be validated.

15 Section 10 (heading)

Omit “an identifier”, substitute “a student identifier”.

16 Subsection 10(1)

Omit “an identifier”, substitute “a student identifier”.

17 Paragraph 10(1)(b)

After “identifier”, insert “or schools identifier”.

18 Subsections 10(3) and (4)

Omit “an identifier”, substitute “a student identifier”.

19 Subsection 12(1)

Repeal the subsection, substitute:

- (1) The Registrar may do any of the following in order to resolve a problem that has occurred in relation to the assignment of one or more student identifiers to one or more individuals:
 - (a) revoke one or more of those student identifiers;
 - (b) assign a new student identifier to one or more of those individuals;
 - (c) assign a schools identifier to one or more of those individuals.

20 After paragraph 12(2)(ba)

Insert:

- (bb) any entity that has made an application under section 13A for a schools identifier to be assigned to the individual; and

21 After subsection 12(2)

Insert:

- (2A) However, the Registrar is not required to give the notice under subsection (2) to the individual if:
 - (a) the Registrar’s decision is to:
 - (i) revoke a student identifier of the individual; or
 - (ii) assign a schools identifier to the individual; and
 - (b) the Registrar is satisfied that an entity covered by paragraph (2)(bb) will notify the individual of:
 - (i) the Registrar’s decision; and
 - (ii) if the decision is to revoke a student identifier of the individual—the revoked identifier; and
 - (iii) if the decision is to assign a schools identifier to the individual—the schools identifier.

22 Paragraph 12(3)(b)

Repeal the paragraph, substitute:

- (b) if a new student identifier or a schools identifier has been assigned to the individual—that identifier.

23 Paragraph 13(1)(a)

Omit “an identifier”, substitute “a student identifier”.

24 Paragraph 13(1)(b)

Omit “a new identifier”, substitute “an identifier”.

25 After Division 2 of Part 2

Insert:

Division 2A—Assignment and validation of schools identifiers etc.

Subdivision A—Assignment of schools identifiers

13A Application for assignment of a schools identifier

- (1) If an individual is enrolled in a school, the following entities may apply to the Registrar for a schools identifier to be assigned to the individual:
 - (a) the approved authority for the school;
 - (b) a prescribed public body of the State or Territory in which the school is located;
 - (c) an entity prescribed by the regulations.
- (2) If an individual registers an alternative schooling arrangement under a law of a State or Territory that provides for the registration of such arrangements, the following entities may apply to the Registrar for a schools identifier to be assigned to the individual:
 - (a) that State or Territory;
 - (b) an entity prescribed by the regulations.
- (3) The application must:
 - (a) be made in a manner and form approved by the Registrar; and
 - (b) include the individual’s school identity management information.

13B Assignment of a schools identifier by the Registrar

- (1) If an application is made under section 13A in relation to an individual, the Registrar must assign a schools identifier to the individual if the individual has not already been assigned a student identifier or schools identifier.
- (2) The Registrar must give written notice of the Registrar's decision on the application to:
 - (a) the applicant; and
 - (b) the individual.
- (3) However, the Registrar is not required to give the notice under subsection (2) to the individual if the Registrar is satisfied that the applicant will:
 - (a) notify the individual of the Registrar's decision; and
 - (b) explain to the individual the purposes and uses of the identifier; and
 - (c) if the decision is to refuse to assign the identifier to the individual—explain to the individual the reasons for the refusal.
- (4) If the Registrar assigns a schools identifier to the individual, the notice given under subsection (2) must:
 - (a) set out the identifier; and
 - (b) if the notice is given to the individual—explain the purposes and uses of the identifier.
- (5) If the Registrar refuses to assign a schools identifier to the individual, the notice given under subsection (2) must set out the reasons for the refusal.

Subdivision B—Validation of schools identifiers**13C Application for validation of schools identifier**

- (1) An individual may apply to the Registrar for a schools identifier of the individual to be validated.

- (2) The following entities may apply to the Registrar for a schools identifier of an individual to be validated if authorised by the individual to make an application under this section:
- (a) a registered training organisation;
 - (b) a VET admission body;
 - (c) a registered higher education provider;
 - (d) a Tertiary Admission Centre;
 - (e) if the individual is enrolled in a school:
 - (i) the approved authority for the school; and
 - (ii) a prescribed public body of the State or Territory in which the school is located;
 - (f) another entity.
- (3) The application must:
- (a) be made in a manner and form approved by the Registrar; and
 - (b) include any information required by the Registrar.

13D Validation of schools identifier by the Registrar

- (1) If an application is made under section 13C in relation to a schools identifier of an individual, the Registrar must validate the identifier if:
- (a) the identity of the individual has been verified; and
 - (b) the identifier is the schools identifier of the individual; and
 - (c) the individual has not already been assigned a student identifier.

Note: A schools identifier that has been validated under this section is a student identifier for the purposes of this Act (see paragraph (b) of the definition of *student identifier* in subsection 4(1)).

- (2) The Registrar must give written notice of the Registrar's decision on the application to:
- (a) the applicant; and
 - (b) if the applicant is not the individual—the individual.
- (3) However, the Registrar is not required to give the notice under subsection (2) to the individual if the contact details of the individual are not known to the Registrar.

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- (4) If the Registrar validates the individual's schools identifier, the notice given under subsection (2) must:
 - (a) set out the validated identifier; and
 - (b) if the notice is given to the individual—explain the purposes and uses of a student identifier.
 - (5) If the Registrar refuses to validate the individual's schools identifier, the notice given under subsection (2) must set out the reasons for the refusal.

Subdivision C—Other matters for schools identifiers

13E Registrar to resolve problems in relation to the assignment of schools identifiers

- (1) The Registrar may do any of the following in order to resolve a problem that has occurred in relation to the assignment of one or more schools identifiers to one or more individuals:
 - (a) revoke one or more of those schools identifiers;
 - (b) assign a new schools identifier to one or more of those individuals;
 - (c) assign a student identifier to one or more of those individuals.
- (2) If the Registrar does a thing mentioned in subsection (1) in relation to an individual, the Registrar must give written notice of the Registrar's decision to:
 - (a) the individual; and
 - (b) any entity that has made an application under section 13A for a schools identifier to be assigned to the individual.
- (3) However, the Registrar is not required to give the notice under subsection (2) to the individual if the Registrar is satisfied that an entity covered by paragraph (2)(b) will notify the individual of:
 - (a) the Registrar's decision; and
 - (b) if the decision is to revoke a schools identifier of the individual—the revoked identifier; and
 - (c) if the decision is to assign a new schools identifier or a student identifier to the individual—that identifier.

- (4) The notice given under subsection (2) must set out:
- (a) if a schools identifier of the individual has been revoked—the revoked identifier; and
 - (b) if a new schools identifier or a student identifier has been assigned to the individual—that identifier.

13F Review by the Administrative Appeals Tribunal

- (1) Applications may be made to the Administrative Appeals Tribunal by an individual for review of the following decisions of the Registrar:
- (a) a refusal to assign a schools identifier to the individual under section 13B;
 - (b) a refusal to validate a schools identifier of the individual under section 13D;
 - (c) a decision under section 13E to revoke a schools identifier of the individual or to assign an identifier to the individual.
- (2) Subsection (1) has effect despite subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*.

26 Division 3 of Part 2 (heading)

Repeal the heading, substitute:

Division 3—Verification, giving and updating of identifiers and other information

27 Section 14 (heading)

Omit “a student identifier”, substitute “an identifier”.

28 Subsection 14(1)

Omit “student identifier” (wherever occurring), substitute “student identifier or schools identifier”.

29 At the end of subsection 14(1)

Add:

- ; (r) if the individual is enrolled in a school:
 - (i) the approved authority for the school; or

- (ii) a prescribed public body of the State or Territory in which the school is located;
- (s) if the individual registers an alternative schooling arrangement under a law of a State or Territory that provides for the registration of such arrangements—that State or Territory;
- (t) an entity prescribed by the regulations.

30 Section 15 (heading)

Omit “a student identifier”, substitute “an identifier”.

31 Subsections 15(1) and (2)

After “student identifier”, insert “or schools identifier (as the case requires)”.

32 At the end of Division 3 of Part 2

Add:

15A Request to verify or give certain information

- (1) Any of the following entities may request the Registrar to give the entity an individual’s school identity management information, or to verify any such information held by the entity:
 - (a) if the individual is enrolled in a school:
 - (i) the approved authority for the school; or
 - (ii) a prescribed public body of the State or Territory in which the school is located;
 - (b) if the individual registers an alternative schooling arrangement under a law of a State or Territory that provides for the registration of such arrangements—that State or Territory;
 - (c) an entity prescribed by the regulations.
- (2) The request must:
 - (a) be made in a manner and form approved by the Registrar; and
 - (b) include any information required by the Registrar.

15B Verification or giving of certain information

- (1) If a request is made under section 15A in relation to an individual, the Registrar may, by written notice given to the entity that made the request, verify or give the individual's school identity management information.
- (2) If the Registrar refuses to verify or give the information, the Registrar must give the entity that made the request written notice of the refusal and the reasons for the refusal.

33 Division 4 of Part 2 (heading)

Omit "of student identifiers".

34 Section 16 (heading)

Omit "of student identifiers".

35 Before subsection 16(1)

Insert:

- (1A) This section applies in relation to a record of one or more of the following:
 - (a) student identifiers;
 - (b) schools identifiers;
 - (c) school identity management information.

36 Subsection 16(1)

Omit "a record of student identifiers", substitute "any such record".

37 Subsection 16(2)

Omit "a record of student identifiers", substitute "such a record".

38 Subsection 16(3)

After "student identifier", insert ", schools identifier or school identity management information".

39 Division 5 of Part 2 (heading)

Omit "student identifiers", substitute "protected information".

40 Section 17 (heading)

Omit “**student identifiers**”, substitute “**protected information**”.

41 Section 17

Omit “a student identifier”, substitute “protected information”.

42 Before subsection 18(1)

Insert:

Protected information

43 Subsection 18(1)

Omit “a student identifier”, substitute “protected information”.

44 Before subsection 18(2)

Insert:

Student identifiers

45 Paragraph 18(2)(a)

Omit “education or training” (wherever occurring), substitute “VET”.

46 At the end of section 18

Add:

Protected information and personal information

- (5) The Registrar is authorised to use or disclose protected information of an individual if:
 - (a) the use or disclosure is for the purposes of research:
 - (i) that relates (directly or indirectly) to school education, or that requires the use of protected information or information about school education; and
 - (ii) that meets the requirements specified by the Education Ministerial Council; and
 - (b) for a disclosure of information that is personal information—the disclosure meets the requirements specified in an instrument made under subsection (6).

- (6) The Education Minister must, by legislative instrument and with the agreement of the Education Ministerial Council, specify requirements for the purposes of paragraph (5)(b).
- (7) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (6) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or other writing as in force or existing from time to time.
- (8) Despite subsection 44(1) of the *Legislation Act 2003*, section 42 (disallowance) of that Act applies to an instrument made under subsection (6) of this section.

47 After section 18C

Insert:

18D Collection, use or disclosure for purposes of school education

An entity prescribed by the regulations is authorised to collect, use or disclose protected information of an individual if the collection, use or disclosure is for a purpose, or in circumstances:

- (a) relating to school education; and
- (b) prescribed by the regulations.

48 Subsection 19(1)

Omit “a student identifier”, substitute “protected information”.

49 Subsection 19(2)

After “student identifier”, insert “or schools identifier”.

50 Paragraph 23(1)(b)

Omit “a student identifier”, substitute “protected information”.

51 Paragraph 24(1)(b)

Omit “student identifiers”, substitute “protected information”.

52 Before subsection 25(1)

Insert:

Registrar's functions or powers

53 Before subsection 25(2)

Insert:

Research relating to vocational or higher education

54 Paragraph 25(2)(a)

Omit "education or training" (wherever occurring), substitute "VET".

55 At the end of section 25

Add:

Research relating to school education

- (5) The use or disclosure by the Registrar of personal information about an individual is taken, for the purposes of the *Privacy Act 1988*, to be authorised by this Act if:
 - (a) the use or disclosure is for the purposes of research:
 - (i) that relates (directly or indirectly) to school education, or that requires the use of schools identifiers, school identity management information or information about school education; and
 - (ii) that meets the requirements specified by the Education Ministerial Council; and
 - (b) for a disclosure of information that is personal information—the disclosure meets the requirements specified in an instrument made under subsection (6).
- (6) The Education Minister must, by legislative instrument and with the agreement of the Education Ministerial Council, specify requirements for the purposes of paragraph (5)(b).
- (7) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (6) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or other writing as in force or existing from time to time.

- (8) Despite subsection 44(1) of the *Legislation Act 2003*, section 42 (disallowance) of that Act applies to an instrument made under subsection (6) of this section.

56 At the end of Division 6 of Part 2

Add:

25A Registrar may refuse access to personal information

- (1) If an individual makes a request for access to personal information about the individual held by the Registrar, the Registrar may refuse to give the individual access to the information if:
- (a) the information is also held by any of the following entities:
 - (i) a school;
 - (ii) an approved authority for a school;
 - (iii) an entity prescribed by the regulations; and
 - (b) the Registrar considers that it is more appropriate for the request to be made to the entity.
- (2) The refusal is taken, for the purposes of paragraph 12.2(b) of Australian Privacy Principle 12, to be authorised by this Act.

57 Subparagraphs 29B(1)(c)(i) and (ii)

Omit “an identifier”, substitute “a student identifier”.

58 Paragraph 29B(2)(a)

Repeal the paragraph, substitute:

- (a) the person applies under section 9 to the Registrar for a student identifier to be assigned to an individual; and

59 Section 30 (paragraph (a) of the paragraph beginning “The Registrar’s functions”)

After “student identifiers”, insert “and schools identifiers”.

60 Section 30 (paragraph (b) of the paragraph beginning “The Registrar’s functions”)

After “student identifier”, insert “, schools identifier or school identity management information”.

61 Paragraph 32(1)(a)

After “student identifiers”, insert “and schools identifiers”.

62 Paragraph 32(1)(b)

After “student identifier”, insert “or schools identifier”.

63 After paragraph 32(1)(b)

Insert:

(ba) to verify or give an individual’s school identity management information;

64 Paragraph 32(1)(d)

After “student identifiers”, insert “, schools identifiers and school identity management information”.

65 Paragraph 32(1)(e)

After “student identifiers”, insert “or schools identifiers”.

66 Subparagraphs 32(1)(e)(i) and (ii)

Omit “student”.

67 Subsection 33(3)

Repeal the subsection, substitute:

(3) Before giving a direction under subsection (1) about the performance of a function in relation to VET, the Commonwealth Minister must consult the Ministerial Council.

68 Subsection 33A(1)

After “higher education”, insert “or school education”.

69 Section 52 (paragraph beginning “Generally, a registered training organisation”)

Omit “a student identifier.”, substitute “been assigned a student identifier. The Commonwealth Minister and the Registrar can give exemptions.”.

70 Section 52 (paragraph beginning “The Commonwealth Minister”)

Omit “student identifier”, substitute “protected information”.

71 Section 52 (paragraph (c) of the paragraph beginning “The Commonwealth Minister”)

Repeal the paragraph, substitute:

- (c) if the body is a VET-related body—the Ministerial Council agrees to the exemption.

72 Subsection 53(11)

Repeal the subsection, substitute:

(11) If:

(a) the Registrar:

- (i) assigns a student identifier to an individual; or
- (ii) validates the schools identifier of an individual under section 13D; and

(b) immediately before the assignment or validation, a determination under subsection (6) of this section is in force in relation to the individual;

then that determination is taken to be revoked immediately after the assignment or validation.

73 Subsection 53A(11)

Repeal the subsection, substitute:

(11) If:

(a) the Registrar:

- (i) assigns a student identifier to an individual; or
- (ii) validates the schools identifier of an individual under section 13D; and

(b) immediately before the assignment or validation, a determination under subsection (6) of this section is in force in relation to the individual;

then that determination is taken to be revoked immediately after the assignment or validation.

74 Subsection 55(1)

After “Part 2”, insert “, other than section 17 to the extent that it applies to schools identifiers and school identity management information,”.

75 Subsection 55(2)

Omit “declare that Division 5 of Part 2 does not apply”, substitute “make a declaration under this subsection in relation”.

76 Paragraph 55(2)(c)

Repeal the paragraph, substitute:

- (c) if the body is a VET-related body—the Ministerial Council agrees to the making of the declaration.

77 Subparagraph 55(3)(b)(ii)

Repeal the subparagraph, substitute:

- (ii) if the body is a VET-related body—the Ministerial Council agrees to the revocation of the declaration.

78 After section 55

Insert:

55A Application of sections 16, 17 and 23

- (1) Sections 16, 17 and 23, to the extent that those sections apply to schools identifiers and school identity management information, do not apply to a public body of a State or Territory unless a declaration made under subsection (2) is in force in relation to the body.
- (2) The Education Minister may, in writing, make a declaration under this subsection in relation to a public body of a State or Territory if the responsible Minister of the State or Territory requests, by written notice, the Education Minister to make the declaration.
- (3) The Education Minister may, in writing, revoke a declaration made under subsection (2) in relation to a public body of a State or Territory if the responsible Minister of the State or Territory requests, by written notice, the Education Minister to do so.

- (4) A declaration under subsection (2), and a revocation of a declaration under subsection (3), are legislative instruments.

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the declaration or revocation: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the declaration or revocation: see subsection 54(1) of that Act.

- (5) In this section:

responsible Minister of a State or Territory means the Minister of that State or Territory who is responsible, or principally responsible, for matters relating to school education.

79 Subsections 57(2) and (2A)

Repeal the subsections, substitute:

- (2) Before the Governor-General makes regulations under subsection (1):
- (a) if the Commonwealth Minister is satisfied that the regulations are in respect of matters relating to VET—the Commonwealth Minister must obtain the agreement of the Ministerial Council;
 - (b) if the Education Minister is satisfied that the regulations are in respect of matters relating to school education—the Education Minister must obtain the agreement of the Education Ministerial Council.

*[Minister's second reading speech made in—
House of Representatives on 15 August 2024
Senate on 22 August 2024]*

(93/24)
