



Student Identifiers Regulation 2014

Select Legislative Instrument No. 133, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 04 September 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Ian Macfarlane
Minister for Industry

OPC50234 - B

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Part 1—Preliminary

1 Name of regulation

This regulation is the *Student Identifiers Regulation 2014*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Student Identifiers Act 2014*.

4 Definitions

In this regulation:

Act means the *Student Identifiers Act 2014*.

complete a unit of competency or module of a VET course includes withdraw from the unit or module, or receive credit for prior learning in relation to the unit or module.

former registered training organisation has the same meaning as in the NVETR Act.

NCVER means the National Centre for Vocational Education Research Ltd.

NVETR Act means the *National Vocational Education and Training Regulator Act 2011*.

VET course has the same meaning as in the NVETR Act.

VET qualification has the same meaning as in the NVETR Act.

VET Regulator has the same meaning as in the NVETR Act.

VET standard means any of the following as in force from time to time:

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- (a) the *Standards for NVR Registered Training Organisations* made under subsection 185(1) of the NVETR Act;
- (b) the *Data Provision Requirements* made under subsection 187(1) of the NVETR Act;
- (c) the *Standards for VET Regulators* made under subsection 189(1) of the NVETR Act;
- (d) the *Australian Quality Training Framework Essential Conditions and Standards for Initial Registration*, or any equivalent document prepared by a relevant Ministerial Council;
- (e) the *Australian Quality Training Framework Essential Conditions and Standards for Continuing Registration*, or any equivalent document prepared by a relevant Ministerial Council.

Note: A number of expressions used in these regulations are defined in the Act, including the following:

- (a) entity;
- (b) misconduct;
- (c) registered training organisation;
- (d) student identifier;
- (e) VET;
- (f) VET admission body;
- (g) VET-related body.

Part 2—General provisions

5 Authenticated VET transcripts

For paragraph (b) of the definition of *authenticated VET transcript* in subsection 4(1) of the Act, the following information is prescribed (to the extent known by the Registrar at the time the transcript is prepared):

- (a) the full name of the individual to whom the transcript relates;
- (b) the date the transcript was prepared;
- (c) the name and identifier of each unit of competency or module of a VET course in respect of which either of the following conditions is met:
 - (i) the individual commences the unit or module on or after 1 January 2015;
 - (ii) the individual is enrolled in the unit or module on 1 January 2015 and the unit or module, or part of it, is delivered on or after that date;
- (d) the following information for each unit of competency or module of a VET course referred to in paragraph (c):
 - (i) the date the unit or module was commenced;
 - (ii) if completed, the date the unit or module was completed;
 - (iii) the name and identifier of the registered training organisation that delivered the unit or module;
 - (iv) the source of funding for the unit or module;
 - (v) the outcome for each unit or module (for example, whether or not the competency was achieved);
- (e) the name and identifier of each VET qualification completed by the individual on or after 1 January 2015 if any unit of competency or module of the VET course to which the qualification relates was delivered on or after that date;
- (f) the issuer of each VET qualification referred to in paragraph (e).

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6 Prescribed conduct

For paragraph 21(f) of the Act, each of the following kinds of conduct is prescribed:

- (a) the fraudulent obtaining of a student identifier;
- (b) the issue of a student identifier as a result of misconduct.

7 Extracts from authenticated VET transcripts

For paragraph 29(2)(a) of the Act, the following information is prescribed:

- (a) the information mentioned in paragraph 5(c), if the individual has (to the extent known by the Registrar) not completed the unit or module referred to in that paragraph at the time access to the extract is given;
- (b) the information mentioned in subparagraph 5(d)(iv).

Part 3—Collection, use or disclosure of student identifiers

8 Purpose of Part

For section 22 of the Act, this Part sets out provisions authorising the collection, use and disclosure of student identifiers.

9 Authorisation—registered training organisations

- (1) A registered training organisation is authorised to collect or use a student identifier of an individual for either or both of the following purposes:
 - (a) to meet the organisation's reporting obligations under the VET standards;
 - (b) to assist in establishing the individual's eligibility for a training subsidy.
- (2) A registered training organisation is authorised to do any of the following for the purpose of the delivery of a VET course to an individual:
 - (a) collect the individual's student identifier from, or disclose the individual's student identifier to, another registered training organisation or a school;
 - (b) use the individual's student identifier.
- (3) A registered training organisation is authorised to do any of the following for the purposes of meeting its reporting obligations under the VET standards and its contractual obligations to a VET-related body:
 - (a) collect a student identifier from, and disclose a student identifier to, a VET-related body;
 - (b) use a student identifier.
- (4) A registered training organisation is authorised to disclose a student identifier of an individual to a VET-related body (other

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than a VET Regulator) to assist the body in establishing the individual's eligibility to a training subsidy.

- (5) A registered training organisation is authorised to use or disclose a student identifier for the purposes of section 14 of the Act (request to verify or give a student identifier).
- (6) A registered training organisation is authorised to collect, use or disclose a student identifier for the purpose of assisting the Registrar to identify, investigate and resolve a problem that occurred in relation to the assignment of student identifiers.
- (7) A registered training organisation is authorised to disclose a student identifier to NCVET for the purpose of meeting the registered training organisation's obligations under the VET standards.

10 Authorisation—former registered training organisations

- (1) A former registered training organisation is authorised to collect a student identifier from, or disclose a student identifier to, a VET-related body (other than a VET Regulator) for the purpose of enabling the organisation to meet its contractual obligations.
- (2) A former registered training organisation is authorised to do either or both of the following for the purposes of acting in accordance with its current or former reporting obligations under the VET standards:
 - (a) collect or use a student identifier;
 - (b) disclose a student identifier to NCVET or to a VET-related body.

11 Authorisation—schools

- (1) A school is authorised to do any of the following for the purpose of delivering and reporting on a VET course that is being, or was, undertaken by an individual as part of the individual's education at or through the school:
 - (a) collect the individual's student identifier from, or disclose the individual's student identifier to, any of the following:
 - (i) a registered training organisation;

- (ii) another school;
 - (iii) a VET-related body, other than a VET Regulator;
 - (b) use the individual's student identifier.
- (2) A school is authorised to collect, use or disclose a student identifier for the purpose of assisting the Registrar to identify, investigate and resolve a problem that occurred in relation to the assignment of student identifiers.

12 Authorisation—NCVER

- (1) NCVER is authorised to do any of the following for purposes related to the collection and preparation of statistics relating to VET:
- (a) collect a student identifier from, or disclose a student identifier to, any of the following:
 - (i) a registered training organisation;
 - (ii) a former registered training organisation;
 - (iii) a VET-related body;
 - (b) use a student identifier.
- (2) NCVER is authorised to do any of the following for the purpose of auditing the accuracy and reliability of the national VET statistical collection:
- (a) collect a student identifier from, or disclose a student identifier to, any of the following:
 - (i) a registered training organisation;
 - (ii) a former registered training organisation;
 - (iii) a VET-related body;
 - (b) use a student identifier.
- (3) NCVER is authorised to collect a student identifier from, or disclose a student identifier to, the Registrar, or use a student identifier, for either or both of the following purposes:
- (a) for the purposes of research referred to in subsection 18(2) of the Act;
 - (b) to enable the Registrar to prepare an authenticated VET transcript.

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- (4) NCVER is authorised to collect, use or disclose a student identifier for the purpose of assisting the Registrar to identify, investigate and resolve a problem that occurred in relation to the assignment of student identifiers.
- (5) NCVER is authorised to do any of the following:
 - (a) collect a student identifier from a VET Regulator;
 - (b) use a student identifier collected under paragraph (a);
 - (c) disclose a student identifier to a VET Regulator.

13 Authorisation—VET-related bodies other than a VET Regulator

- (1) This section applies to a VET-related body, other than a VET Regulator.

Reporting obligations under the VET standards

- (2) The body is authorised to do any of the following to enable a registered training organisation to comply with the organisation's reporting obligations under the VET standards:
 - (a) collect a student identifier from, or disclose a student identifier to, a registered training organisation;
 - (b) use a student identifier.

Administration, development and research purposes

- (3) The body is authorised to do any of the following for any of the purposes mentioned in subsection (4):
 - (a) collect and use a student identifier of an individual;
 - (b) disclose a student identifier of an individual to any of the following:
 - (i) a VET-related body, other than a VET Regulator;
 - (ii) a registered training organisation;
 - (iii) a VET admission body.
- (4) For subsection (3), the purposes are as follows:
 - (a) administering VET including VET programs;
 - (b) policy development or research relating to education;

- (c) assisting in establishing the individual's eligibility for a training subsidy.

Statistics relating to VET

- (5) The body is authorised to do any of the following for purposes related to the collection and preparation of statistics relating to VET:
 - (a) collect a student identifier from, or disclose a student identifier to, NCVET;
 - (b) use a student identifier.

Delivering and reporting on school education

- (6) The body is authorised to do any of the following for the purpose of delivering and reporting on a VET course that is being, or was, undertaken by an individual as part of the individual's education at or through a school:
 - (a) collect the individual's student identifier from, or disclose the individual's student identifier to, the school;
 - (b) use the individual's student identifier.

Contractual and reporting obligations

- (7) The body is authorised to collect a student identifier from, or disclose a student identifier to, a former registered training organisation for purposes related to:
 - (a) the organisation's contractual obligations; or
 - (b) the organisation's current or former reporting obligations under the VET standards.

Other purposes

- (8) The body is authorised to disclose a student identifier:
 - (a) to a VET Regulator; or
 - (b) to the Registrar for the purposes of subsection 18(2) of the Act (use or disclosure by Registrar for purposes of research).
- (9) The body is authorised to collect, use or disclose a student identifier for either or both of the following purposes:

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- (a) auditing registered training organisations that receive funding from the Commonwealth or a State or Territory;
 - (b) assisting the Registrar to identify, investigate and resolve a problem that occurred in relation to the assignment of student identifiers.
- (10) The body is authorised to use or disclose a student identifier for the purposes of section 14 of the Act (request to verify or give a student identifier).

14 Authorisation—VET Regulator

- (1) A VET Regulator is authorised to collect a student identifier from a registered training organisation, and use the student identifier, to enable the organisation to comply with its reporting obligations under the VET standards.
- (2) A VET Regulator is authorised to use or disclose a student identifier for the purposes of section 14 of the Act (request to verify or give a student identifier).
- (3) A VET Regulator is authorised to collect, use or disclose a student identifier for the purpose of performing its functions under the following as in force from time to time:
 - (a) its constituent legislation (see subsection (4));
 - (b) the *Standards for VET Regulators* made under subsection 189(1) of the NVETR Act;
 - (c) the *Australian Quality Training Framework Essential Conditions and Standards for Initial Registration*, or any equivalent document prepared by a relevant Ministerial Council;
 - (d) the *Australian Quality Training Framework Essential Conditions and Standards for Continuing Registration*, or any equivalent document prepared by a relevant Ministerial Council.
- (4) For subsection (3), **constituent legislation** for a VET Regulator means:
 - (a) for the National VET Regulator—the NVETR Act; or

- (b) for the Victorian Registration and Qualifications Authority—the *Education and Training Reform Act 2006* (Vic.); or
 - (c) for the Training Accreditation Council—the *Vocational Education and Training Act 1996* (WA).
- (5) A VET Regulator is authorised to collect, use or disclose a student identifier for the purpose of assisting the Registrar to identify, investigate and resolve a problem that has occurred in relation to the assignment of student identifiers.
- (6) A VET Regulator is authorised to disclose an individual's identifier to NCVET for the purposes of meeting the VET Regulator's obligations under the VET standards.

15 Authorisation—VET admission bodies

- (1) A VET admission body is authorised to do any of the following for the purposes of its administration of VET, including VET programs:
- (a) collect a student identifier from, or disclose a student identifier to, a VET-related body (other than a VET Regulator);
 - (b) use a student identifier.
- (2) A VET admission body is authorised to collect, use or disclose a student identifier for the purpose of assisting the Registrar to identify, investigate and resolve a problem that has occurred in relation to the assignment of student identifiers.

16 Authorisation—research purpose

An entity that receives a student identifier for a research purpose under subsection 18(2) of the Act is authorised to use the identifier for that purpose.

Note: Subsection 18(2) of the Act allows the Registrar to use or disclose a student identifier for purposes of certain research relating to education or training or requiring the use of student identifiers or information about education or training.

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17 Authorisation—disclosure required by law

An entity is authorised to disclose a student identifier if required to do so by law.

18 Unauthorised uses of student identifiers

Nothing in this Part authorises an entity to use a student identifier of an individual:

- (a) as the entity's own identifier of the individual; or
- (b) for the purposes of printing the individual's student identifier on a student card issued by the entity for the individual.

Note: Subsection 19(2) of the Act contains a similar prohibition to paragraph (a) in relation to an individual consenting to an entity collecting, using or disclosing the individual's student identifier.