EXPLANATORY STATEMENT

Student Identifiers (VET Admission Bodies) Instrument 2015

Background

The Student Identifiers Act 2014 (the Act) and the Student Identifiers Regulation 2014 (the Regulation) provide for the introduction of a student identifier for individuals undertaking nationally recognised vocational education and training (VET) from 1 January 2015. The Act and Regulation set out how the student identifier will be assigned, collected, used and disclosed and provides for the creation of an authenticated transcript of an individual’s record of nationally recognised training undertaken or completed after 1 January 2015.

Section 32 of the Act provides that there is a Student Identifiers Registrar (Registrar). The Registrar is responsible for administering the student identifiers system.

Sub-section 4(1) of the Act defines a VET admission body as an entity specified in an instrument under sub-section 4(2).

Authority

Sub-section 4(2) of the Act specifies that the Registrar may, by legislative instrument, specify an entity for the purposes of the definition of VET admission body in sub-section (1).

Purpose and operation

The purpose of the Student Identifiers (VET Admission Bodies) Instrument 2015 is to specify the entities which are considered VET admission bodies for the purpose of the definition of that term in the Act.

Specifying entities as VET admission bodies will enable those entities to undertake certain actions detailed under the Act, as follows:

- to make an application for a student identifier on behalf of an individual, with that individual’s authorisation (section 9 of the Act);
- to request, with the individual’s authorisation, that the Registrar verify the student identifier of an individual or to give the entity the individual’s student identifier (section 14 of the Act).

Consultation

The Australian Government conducted extensive consultation with Australian States and Territories and the VET sector throughout the development of the Student Identifiers scheme.

In February 2015, Australian State and Territory officials were consulted on which entities should be specified as VET admission bodies in the Student Identifiers (VET Admission Bodies) Instrument 2015.

Explanation of the provisions

Part 1—Preliminary

Section 1 sets out the name of the instrument which is the Student Identifiers (VET Admission Bodies) Instrument 2015.

Section 2 is the commencement provision which provides that the instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.
Section 3 provides that the authority for the instrument is sub-section 4(2) of the Act. Section 4 sets out the definitions of the terms used in the instrument.

Part 2—Specification of entities

Section 5 provides the general specification that entities specified at section 6, provided they are not NVR registered training organisations, are VET admission bodies.

Section 6 specifies VET admission bodies.

Subsection 6(1) provides that the following entities, performing the function of an admissions centre, are VET admission bodies:

- in the State of Victoria, the Victorian Tertiary Admissions Centre;
- in the State of South Australia, the South Australian Tertiary Admissions Centre;
- in the State of Queensland, the Queensland Tertiary Admissions Centre; and
- in the State of Western Australia, the Department of Training and Workforce Development.

Subsection 6(2) specifies that a School, Non-government school or Approved authority is a VET admission body:

- provided the relevant State or Territory department responsible for VET has provided a statement to the effect that it is administratively efficient and necessary for the entity to perform the actions described in sections 9 and 14 of the Act;
- but only to the extent that the entity performs the function of providing support for, or assistance to, or has an arrangement with, a NVR registered training organisation for the purposes of that organisation providing VET courses or issuing VET qualifications or VET statements of attainment, to the entity’s students.

Subsection 6(3) provides that an entity contracted by the Commonwealth to provide services within the Australian Apprenticeship Services Support Network, is a VET admission body, but only to the extent that the entity performs the function of assisting an apprentice or prospective apprentice to engage with a NVR registered training organisation for the purposes of that organisation providing VET courses or issuing VET qualifications or VET statements of attainment to the apprentice or prospective apprentice.

Subsection 6(4) provides that a correctional service provider is an entity that is a VET admission body, but only to the extent that the entity provides support for, or assistance to or has an arrangement with a NVR registered training organisation for the purposes of that organisation providing VET courses or issuing VET qualifications or VET statements of attainment to prisoners in the custody of the correctional service provider.

Sub-section 6(5) provides that an entity defined under paragraph 4(1)(a) of the Act as a VET-related body is also a VET admission body.
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Student Identifiers (VET Admission Bodies) Instrument 2015

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument

This instrument is made under sub-section 4(2) of the Student Identifiers Act 2014 (the Act).

The purpose of the instrument is to specify entities which are VET admission bodies for the purposes of the definition of that term in sub-section 4(1) of the Act. The instrument specifies that the entities named in sub-section 6(1) of the instrument and entities defined as VET-related bodies in sub-section 4(1)(a) of the Act are VET admission bodies.

The instrument also specifies that correctional service providers and entities contracted by the Commonwealth to provide services within the Australian Apprenticeship Services Support Network are VET admission bodies, but only to the extent that these entities provide support for or assistance to prisoners in the entity’s custody or apprentices or prospective apprentices, to engage with NVR registered training organisations for the purposes of that organisation providing VET courses or issuing VET qualifications or VET statements of attainment to the prisoner, apprentice or prospective apprentice.

The instrument further specifies that schools, non-government schools or approved authorities are VET admission bodies on the same conditions outlined above (in relation to their students) and with the further condition that the relevant State or Territory department responsible for VET has provided a statement that it is administratively efficient and necessary for the entity to perform the actions described in sections 9 and 14 of the Act (to apply for student identifiers on behalf of individuals and to request verification of a student identifier from the Registrar).

Human rights implications

Right to Education

The instrument engages the right to education contained in Article 13 of the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).

In particular paragraph 13(2)(b) of the ICESCR provides:

‘b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education’

Under the Act, ‘VET admission bodies’ can, where authorised to do so by an individual, make an application for a student identifier on behalf of the individual (paragraph 9(2)(a)) and request the Registrar provide the entity with the individual’s student identifier or to verify the individual’s student identifier (paragraph 14(1)(d)).
By specifying entities who are ‘VET admission bodies’, the instrument provides a greater number of avenues through which the individuals can access the Student Identifiers scheme. In particular, this will assist individuals who cannot directly apply for a student identifier or request the Registrar verify their student identifier, for example where the individual lives in a remote area and or does not have access to the internet or a telephone. Therefore, the instrument promotes the right to education by providing individuals with greater ability to access the Student Identifiers scheme.

**Conclusion**

The instrument is compatible with the right to education because it allows individuals greater means to access the Student Identifiers scheme.

**Jason Coutts**

**Acting Student Identifiers Registrar**