

Explanatory Statement

Data Provision Standards made under the *National Vocational Education and Training Regulator Act 2011*

Issued by the authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Subject: *National Vocational Education and Training Regulator Act 2011*
Data Provision Standards

Authority

Subsection 187(1) of the *National Vocational Education and Training Regulator Act 2011* (the Act) provides that the Minister may make requirements for data provision, as agreed by the Ministerial Council. Subsection 187(2) of the Act provides that the agreed requirements are to be known as the *Data Provision Requirements*.

In accordance with sections 44 and 54 of the *Legislative Instruments Act 2003*, the *Data Provision Standards* (the Requirements) are not subject to disallowance or sunseting.

Purpose and Operation

The purpose of the Requirements are to determine the data provision requirements for persons seeking registration under the Act.

The Requirements form part of the VET Quality Framework. As defined in section 3 of the Act, the VET Quality Framework is comprised of the Standards for NVR Registered Training Organisations, the Australian Qualifications Framework, the Fit and Proper Person Requirements, the Financial Viability Risk Assessment Requirements and the Data Provision Requirements.

Compliance with the Requirements is a condition of registration under the Act.

The objectives of the Requirements are to ensure that data required by the National VET Regulator to make a decision about registration, renewal of registration and for audit purposes is made available. The Requirements formally identify, in a legislative instrument, the data that a NVR registered training organisation, and a person seeking registration or renewal of registration, is required to make available to the National VET Regulator on request.

Part 4 of the Requirements incorporate a requirement to report against quality indicators, currently found in the Australian Quality Training Framework (AQTF).

The Requirements also incorporate information currently requested by state and territory registering bodies for the purpose of registration under the AQTF.

Consultation

Before the Minister made the Requirements, the following consultation was undertaken:

- > The Requirements were discussed with representatives from each State and Territory at meetings held on 3 March 2011 and 24 May 2011.
- > On 20 and 21 April 2011 a consultation meeting was held with stakeholders (unions, training provider peak bodies, employer groups, industry bodies and State and Territory representatives) that included discussion of the draft Requirements.
- > The Requirements were circulated to the Ministerial Council for endorsement which was received on 24 June 2011.

Description of the provisions of the Requirements

Part 1—Preliminary

Division 1—Arrangements on commencement

DPR 1: Name of legislative instrument

DPR 1 names the Data Provision Requirements 2011.

DPR 2: Commencement

DPR 2 provides that the provisions of the Requirements commence on the later of 1 July 2011 or the day after registration on the Federal Register of Legislative Instruments.

DPR 3: Definitions

DPR 3 defines terms used throughout the Requirements and clarifies the application of the Requirements.

Part 2—AVETMISS Compliance

DPR 4: Student records management system

DPR 4(1) sets out the requirement of a training provider to have a student records management system that has the capacity to provide the National VET Regulator with AVETMISS compliant data.

Part 3—Registration Requirements

DPR 5: Information required upon request

DPR 5 sets information that must be provided to the National VET Regulator on request if required for the purpose of registration, renewal of registration or audits.

Part 2—Quality Indicators

DPR 6: Collection of data against quality indicators

DPR 6 sets out the requirement to collect data against quality indicators agreed upon by the Ministerial Council or its delegate. This is expected to be the National Standards Council.

DPR 7: Annual report

DPR 7 sets out the requirement to provide an annual summary report against the quality indicators to the National VET Regulator.