

## **Explanatory Statement**

### ***National Vocational Education and Training Regulator Act 2011***

### **Amendment No. 1 to the Data Provision Requirements 2012**

Issued by the authority of the Minister for Higher Education and Skills

Subject: *National Vocational Education and Training Regulator Act 2011*

*Amendment No. 1 to the Data Provision Requirements 2012*

#### **Authority**

Subsection 187(1) of the *National Vocational Education and Training Regulator Act 2011* (the NVETR Act) provides that the Minister may, by legislative instrument, make requirements for data provision, as agreed by the Ministerial Council.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that the power to make an instrument under an Act includes the power to vary or revoke the instrument.

Subsection 187(2) of the NVETR Act provides that the agreed requirements are to be known as the *Data Provision Requirements*.

In accordance with subsections 44(1) and 54(1) of the *Legislative Instruments Act 2003*, the Data Provision Requirements are not subject to disallowance or sunset.

#### **Incorporated document**

Paragraph 191A(1)(c) of the NVETR Act enables the Data Provision Requirements to apply, adopt or incorporate any matter contained in another instrument or other writing.

The *National VET Provider Collection Data Requirements Policy* (the Policy) sets out the requirements for data collection and submission by registered training organisations. The Policy, first endorsed by the Ministerial Council on 7 June 2013, is incorporated as it exists from time to time.

A copy of the Policy may be obtained from [www.nssc.natese.gov.au](http://www.nssc.natese.gov.au).

#### **Purpose and Operation**

The purpose of this legislative instrument is to amend the *Data Provision Requirements 2012* (F2013L00160) to require NVR registered training organisations to collect and submit data according to the requirements, and subject to any applicable exemption, provided under the Policy.

## Background

The Data Provision Requirements form part of the VET Quality Framework. As defined in section 3 of the NVETR Act, the VET Quality Framework comprises 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 Data Provision Requirements is a condition of registration under the NVETR Act.

The amendments to the *Data Provision Requirements 2012* are intended to ensure all NVR registered training organisations collect and submit data to the National VET Provider Collection managed by the National Centre for Vocational Education Research (NCVER) to provide a more comprehensive data set on VET activity to support a myriad of uses, including:

- be used by VET regulators to inform risk-based regulation of registered training organisations and establish benchmarks for continuous improvement in the VET sector;
- enable individuals to access transcripts that show any nationally recognised training undertaken through links with the ‘student identifier’ as defined in the Student Identifiers Bill 2013, and if enacted, the resulting Act;
- provide details about RTOs and courses on the My Skills website to assist students and businesses to make informed training choices;
- improve government, industry and business understanding of where and when skills are being developed to assist workforce planning;
- provide governments with a better understanding of training efforts across Australia – assisting with the development of policy and assessing interventions; and
- enhance understanding of the training market and assist RTOs with planning training delivery.

It is intended that the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS), as it is changed from time to time, will apply to the collection and submission of data by NVR registered training organisations.

## Consultation

A Council of Australian Governments consultation regulation impact statement on the collection and submission of AVETMISS data by all registered training organisations was released on 15 June 2012 for a six week consultation period. All registered training organisations as well as VET peak body organisations, state and territory government agencies, industry skills councils, NCVER and the National Skills Standards Council were informed of the consultation period and invited to provide submissions.

42 submissions were received. Meetings were also held with a range of stakeholders, including VET peak bodies representing many private and enterprise RTOs, a sample of RTOs, most VET regulators, NCVER, government enterprise RTOs, the Office of the National Skills Standards Council and relevant state and territory government

agencies. A Council of Australian Government's decision regulation impact statement was prepared and approved by the Office of Best Practice Regulation.

The decision regulation impact statement informed the Ministerial Council's decision on 16 November 2012 to mandate the collection and submission of VET data by all registered training organisations, although Ministers requested further advice on methods to ameliorate the burden on small registered training organisations.

Targeted consultations were subsequently undertaken with VET peak bodies, small RTOs, enterprise RTOs that may face national security issues and RTOs that deliver volunteer, emergency and rescue services to the Australian community to identify appropriate amelioration strategies, including transition and exemption arrangements. The outcomes of these consultations were reflected in the development of the Policy and were subject to further consultations with VET regulators, NCVER, NSSC and relevant state and territory government agencies.

The Ministerial Council agreed to the proposed changes to the *Data Provision Requirements* and the Policy on 7 June 2013.

### **Detailed explanation of the amendments**

Item 1 inserts into DPR 3 a definition of the *National VET Provider Collection Data Requirements Policy*.

Item 2 changes the heading of Part 2 so it more accurately reflects the content proposed in items 3 to 5.

Item 3 removes the reference to contact details for assistance with AVETMISS as such references can change over time. It inserts wording that provides that a reference to AVETMISS is a reference to the AVETMISS instruments that exist from time to time. The previous paragraph, which has not been changed, refers to the website where a copy of the standard can be obtained.

Item 4 changes the heading of DPR 4 so it more accurately reflects the content proposed at Item 5.

Item 5 removes the requirement to have a student records management system with the capacity to provide AVETMISS compliant data. In its place, it inserts requirements that a NVR registered training organisation collect and submit data according to the requirements, and subject to any applicable exemption, provided under the Policy. It also inserts a requirement that a NVR registered training organisation comply with any other data provision requirements set out in the Policy.