

## **Explanatory Statement**

### **Standards for VET Regulators (Amendment) 2017**

## Purpose

The purpose of the *Standards for VET Regulators (Amendment) 2017* instrument (the Amending Standard) is to amend the *Standards for VET Regulators 2015* (F2014L01375) (the 2015 Standards) to require a VET Regulator to communicate clear and accurate information and advice to relevant VET stakeholders by publishing regulatory decisions at any time, provided no legal prohibitions apply to the publication.

## Authority

Subsection 189(1) of the *National Vocational Education and Training Regulator Act 2011* (the Act) provides that the Minister may, by legislative instrument, make standards for VET Regulators, as agreed by the Ministerial Council. Section 191 of the Act specifies that the Ministerial Council (currently the Council of Australian Governments (COAG) Industry and Skills Council (CISC)) is to give its agreement by resolution of the Ministerial Council passed in accordance with the procedures determined by the Ministerial Council.

Subsection 189(2) of the Act provides that the agreed standards are to be known as the *Standards for VET Regulators*.

## Parliamentary scrutiny

The Amending Standard is exempt under subsection 44(1) and subsection 54(1) of the *Legislation Act 2003* and is therefore not subject to disallowance or sunset.

## Regulatory Impact

The Office of Best Practice Regulation has been consulted and has determined that a Regulatory Impact Statement is not required for this measure (OBPR ID: 21445).

## Consultation

Currently, CISC is the council established by COAG to deal with training and skills and is therefore the Ministerial Council for the purposes of the Act. CISC agreed to the Amending Standard by resolution passed in accordance with CISC's procedures.

The three current VET Regulators, the Australian Skills Quality Authority, the Victorian Registration and Qualifications Authority and the Western Australian Training Accreditation Council, were also consulted on the Amending Standard.

## Description of the Amending Standard

### Clauses 1

Clause 1 specifies the name of the Amending Standard.

### Clause 2

Clause 2 specifies that the Amending Standard will commence on the day after it is registered on the Federal Register of Legislation.

### Clause 3

Clause 3 specifies the authority under which the Amending Standard is made.

### Clause 4

Clause 4 specifies the definitions for terms used in the Amending Standard.

### Clause 5

Clause 5 specifies that Standard 3.2 a) in Part 2 of the 2015 Standards is amended.

The amendment to Standard 3.2 a) requires a VET Regulator to communicate information and advice to relevant VET stakeholders, including publishing information about regulatory requirements, practice and its decisions to impose a sanction on a registered training organisation, and its reasons for imposing a sanction on a registered training organisation. A VET Regulator is required to do this to be compliant with Standard 3. A VET Regulator's compliance with this requirement is only subject to any legal prohibition which may apply to the communication of information or advice to relevant VET stakeholders, including the publication of information about its decisions to impose a sanction on a registered training organisation, or the publication of its reasons for imposing a sanction on a registered training organisation.

The intended effect of the amendment to Standard 3.2 a) is to clarify that a VET Regulator may communicate, including publishing, information about its regulatory decisions at any time after they are made, including before the conclusion of any review or appeal periods. However, the publication of a VET Regulator's regulatory decision is subject to any legal prohibitions that may apply. The amendment allows for decisions to be published in circumstances where such lawful disclosure would reasonably inform a person's choice to enrol as a VET student with a registered training organisation, or would encourage improvement in the quality of VET services.