



# **National Vocational Education and Training Regulator (Data Streamlining) Amendment Act 2023**

**No. 49, 2023**

**An Act to amend the *National Vocational Education  
and Training Regulator Act 2011*, and for related  
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**An Act to amend the *National Vocational Education  
and Training Regulator Act 2011*, and for related  
purposes**

[Assented to 3 July 2023]

The Parliament of Australia enacts:

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*No. 49, 2023*

*National Vocational Education and Training Regulator (Data  
Streamlining) Amendment Act 2023*

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## 1 Short title

This Act is the *National Vocational Education and Training Regulator (Data Streamlining) Amendment Act 2023*.

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	3 July 2023
2. Schedule 1	The day after this Act receives the Royal Assent.	4 July 2023

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

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

#### **1 Section 3**

Insert:

*National VET data system* has the meaning given by subsection 214B(5).

*VET data system* has the meaning given by subsection 214B(4).

#### **2 Subsection 187(1)**

Omit “, as agreed by the Ministerial Council”, substitute:

that:

- (a) have been agreed by the Ministerial Council; or
- (b) if the Ministerial Council has agreed that a specified kind of requirement may be endorsed by a specified person or body by means of a specified procedure in specified circumstances (if any)—are of the specified kind and have been endorsed by the specified person or body by means of the specified procedure in the specified circumstances (if any).

#### **3 After subsection 187(1)**

Insert:

- (1A) Without limiting subsection (1), the legislative instrument may make requirements that depend on the making of a decision of an administrative character by the National VET Regulator.
- (1B) To avoid doubt, the reference to person in paragraph (1)(b) includes a person from time to time holding, occupying or performing the duties of a specified office or position, even if the office or position does not come into existence until after the Ministerial Council’s agreement is given.

**4 Section 191**

After “of this Act”, insert “or an instrument made under this Act”.

**5 Subsection 210A(1)**

After “that body”, insert “or (in the case of the Department) of section 210B”.

**6 Section 210B (heading)**

After “**Disclosure**”, insert “**and release**”.

**7 Subsection 210B(2)**

Omit “purposes of the Department”, substitute “purposes of this Act, of the Department, or (in the case of disclosure to a Commonwealth authority) of that authority”.

**8 At the end of section 210B**

Add:

*Release of information to the public*

- (4) The Secretary may release the information to the public to the extent that the information is of a kind the release of which:
  - (a) has been agreed to by the Ministerial Council; or
  - (b) if the Ministerial Council has agreed that a specified person or body may endorse the release of kinds of information by means of a specified procedure in specified circumstances (if any)—has been endorsed by the specified person or body by means of the specified procedure in the specified circumstances (if any).
- (5) Subsection (4) does not authorise the release of personal information, unless the personal information is the name of a registered training organisation.

**9 At the end of Division 2 of Part 9**

Add:

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**Subdivision E—VET data systems****214B Collection, use or disclosure of information**

- (1) The collection, use or disclosure of information for the purposes of designing, building, operating, maintaining or testing a VET data system in circumstances specified in a legislative instrument under subsection (2) is authorised by this Act.
- (2) For the purposes of subsection (1), the Secretary may, by legislative instrument, make a determination specifying circumstances as the Secretary considers appropriate.
- (3) The determination can only specify circumstances in respect of a VET data system that is not a National VET data system if the Secretary considers that specifying the circumstances is for the purpose of facilitating the provision of data in accordance with the Data Provision Requirements, or any equivalent requirements in a non-referring State.
- (4) A **VET data system** is a computer system used by one or more of the following to collect, store and manage information collected in accordance with the Data Provision Requirements, or any equivalent requirements in a non-referring State:
  - (a) the Department;
  - (b) VET Regulators;
  - (c) State or Territory authorities (other than VET Regulators) that deal with, or have responsibility for, matters relating to VET;
  - (d) the National Centre for Vocational Education Research;
  - (e) registered training organisations.
- (5) A **National VET data system** is a VET data system operated and maintained by either of the following, or under contracts to which either of the following is a party:
  - (a) the Commonwealth;
  - (b) if a notifiable instrument is in force under subsection (6)—the National Centre for Vocational Education Research.

- (6) The Secretary may, by notifiable instrument, specify the National Centre for Vocational Education Research for the purposes of paragraph (5)(b).

***National Vocational Education and Training Regulator  
(Transitional Provisions) Act 2011***

**10 In the appropriate position**

Insert:

**Schedule 6—Transitional provisions relating  
to the National Vocational Education  
and Training Regulator (Data  
Streamlining) Amendment Act 2023**

**1 Definitions**

In this Schedule:

***Amending Act*** means the *National Vocational Education and Training Regulator (Data Streamlining) Amendment Act 2023*.

***commencement time*** means the time at which Schedule 1 to the Amending Act commences.

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

**2 Application of amendments**

The amendments to sections 210A and 210B of the Principal Act made by Schedule 1 to the Amending Act apply to the use, disclosure or release of information on or after the commencement time, regardless of whether the information was collected before, on or after the commencement time.

**3 Saving of Data Provision Requirements**

Requirements made under subsection 187(1) of the Principal Act that were in force immediately before the commencement time continue in force (and may be dealt with) as if they had been made under that subsection as amended by the Amending Act.

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*[Minister's second reading speech made in—  
House of Representatives on 9 March 2023  
Senate on 24 March 2023]*

*(23/23)*

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