

## Explanatory Statement

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

Issued by the authority of the Minister for Tertiary Education, Skills, Science and Research

Subject: *National Vocational Education and Training Regulator Act 2011*  
*Data Provision Requirements 2012*

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

### **Purpose and Operation**

The purpose of the Requirements is to revoke the *Data Provision Requirements 2011* (F2011L01342) and remake the Requirements to determine 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.

Paragraph 191A(1)(c) of the Act enables the Requirements to incorporate the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS), as published on <http://www.ncver.edu.au> as existing from time to time.

In accordance with subsections 15(b) and 15(c) of the *Legislative Instruments Act 2003*, the repeal of the *Data Provision Requirements 2011* (F2011L01342) does not effect the previous operation of the former instrument or provision or anything duly done or suffered under the former instrument or provision or any right, privilege, obligation or liability acquired, accrued or incurred under the instrument or provision.

## Consultation

The Requirements were first consulted upon with stakeholders (unions, training provider peak bodies, employer groups, industry bodies and State and Territory representatives) at a consultation meeting held on 20 and 21 April 2011.

The need for the Requirements to require compliance with key documents as and when they are updated was consulted upon with stakeholders (unions, training provider peak bodies, employer groups, industry bodies and State and Territory representatives) as part of the broader consultation process for the *National Vocational Education and Training Regulator Amendment Act 2012* on 9 and 10 August 2011.

Before the Minister made the Requirements, they were circulated to the Ministerial Council for endorsement which was received on 27 August 2012.

## 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 2012.

##### **DPR 2: Commencement**

DPR 2 provides that the provisions of the Requirements commence on 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

Part 2 contains a description of the AVETMISS and provides guidance on how it can be obtained. In accordance with paragraph 191A(1)(c) of the Act, a reference to the AVETMISS is a reference to the AVETMISS instrument as it exists from time to time.

##### **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 4—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. The delegate of the Ministerial Council is expected to be the National Skills 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.