



Data Provision Requirements 2012

I, Chris Evans, Minister for Tertiary Education, Skills, Science and Research, make this legislative instrument under subsection 187(1) of the *National Vocational Education and Training Regulator Act 2011*.

Dated 29th January 2013

CHRIS EVANS
Minister for Tertiary Education, Skills, Science and Research

Commonwealth of Australia

National Vocational Education and Training Regulator Act 2011

DATA PROVISION REQUIREMENTS 2012

(i) CITATION

This legislative instrument may be cited as the *Data Provision Requirements 2012*.

(ii) AUTHORITY

This legislative instrument is made under section 187(1) of the *National Vocational Education and Training Regulator Act 2011*.

(iii) COMMENCEMENT

This legislative instrument will come into effect on the day after registration on the Federal Register of Legislative Instruments.

(iv) REVOCATION

The *Data Provision Requirements 2011* (F2011L01342) are revoked.

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Part 1 Preliminary

Division 1 Arrangements on commencement

DPR 1 Name of legislative instrument

This legislative instrument is the *Data Provision Requirements 2012*

DPR 2 Commencement

This legislative instrument commences the day after registration on the Federal Register of Legislative Instruments.

DPR 3 Definitions

In this legislative instrument, unless the contrary intention appears:

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

applicant means a person applying for initial registration under the Act.

AVETMISS means the Australian Vocational Education and Training Management Information Statistical Standard.

course has the meaning given by section 3 of the Act.

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students

executive officer has the meaning given by section 3 of the Act.

Ministerial Council has the meaning given by section 3 of the Act.

National Register has the meaning give by section 3 of the Act.

National VET Regulator has the meaning given by section 3 of the Act.

Quality Indicators are the quality indicators endorsed by the Ministerial Council, or its delegate, against which the RTO is required to collect and use data. Quality Indicators have been identified as being useful for the purpose of continuous improvement within RTOs and to inform the risk assessments of RTOs by VET Regulators.

registered training organisation (RTO) means a registered training organisation defined at section 3 of the Act.

training and assessment strategy means a framework that guides the learning requirements and the teaching, training and assessment arrangements of a VET qualification. It is the document that outlines the macro-level requirements of the learning and assessment process.

VET course has the meaning given by section 3 of the Act.

VET qualification has the meaning given by section 3 of the Act.

VET Regulator has the meaning given by section 3 of the Act.

VET student records has the meaning given by section 3 of the Act.

- 3.2 The requirements of this legislative instrument apply to NVR registered training organisations. The National VET Regulator will also consider whether persons seeking registration and renewal of registration under the Act comply with these requirements in deciding whether to grant their application for registration.
- 3.3 These requirements may be referred to by the abbreviation 'DPR'. For example, this is DPR 3.3

Part 2 AVETMISS Compliance

The Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) for VET providers is a national data standard for VET providers that ensures the consistent and accurate capture of VET information about students, their courses, units of activity, and qualifications completed. It provides the mechanism for national reporting of the VET system.

For a copy of the AVETMIS Standard go to <<http://www.ncver.edu.au>> and select Statistical Standards – VET Providers.

For help in applying the AVETMIS Standard, RTOs can contact the AVETMISS helpdesk: support@ncver.edu.au, Phone 1800 649 452.

DPR 4 Student records management system

- 4.1 Both applicants seeking initial registration under the Act, and NVR registered training organisations, must 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

5.1 The following information must be provided to the National VET Regulator if requested for the purposes of initial registration, renewal of registration or audits:

- (a) type of legal entity (for example, corporation, trust, sole trader, incorporated association, partnership or government entity);
- (b) copy of Certificate of Incorporation, Articles of Association or equivalent;
- (c) current financial viability risk assessment information including:
 - (i) strategic business plan;
 - (ii) financial projections, including underlying assumptions;
 - (iii) business plans, including forecast income stream and forecast expenditure;
 - (iv) assets and liabilities;
 - (v) audited financial statements;
 - (vi) financial records for the previous 12 months, including profit and loss balance sheets;
 - (vii) cash flow and bank account details;
 - (viii) short term budgets and forecasts, including assumptions;
 - (ix) information on current and projected student enrolments, including assumptions;
 - (x) tax records;
 - (xi) information about current debts and debtors, credits and creditors, loans and repayment details;
 - (xii) plans and information on any legal disputes;
 - (xiii) inter-company dealings, transfers, ownerships and loans;
 - (xiv) contingent liabilities;
 - (xv) ultimate ownership details; and
 - (xvi) post reporting activities.
- (d) Business Name Registration Certificate showing registered business (trading) name(s);
- (e) Australian Company Number (ACN);
- (f) Australian Business Number (ABN);
- (g) type of training organisation (for example, school, university, community-based adult education, other training provider);
- (h) address and contact details for:
 - (i) head office;
 - (ii) principal place of business; and

- (iii) permanent delivery sites or campuses.
- (i) name and contact details for:
 - (i) executive officers;
 - (ii) high managerial agents; and
 - (iii) any person or entity which exercises a degree of control or influence over the management or direction of the registered training organisation.
- (j) previous registration details;
- (k) whether or not the applicant, the NVR registered training organisation, an executive officer or higher managerial agent have any other application for registration currently lodged with any other registering body;
- (l) Fit and Proper Person information for each relevant person to include:
 - (i) whether the person has been convicted of an offence against a law of the Commonwealth or of a State or Territory and if so, the seriousness of the offence;
 - (ii) whether the person has ever had his, her or its registration on the National Register cancelled or suspended;
 - (iii) whether the person has ever had a condition imposed on his, her or its registration on the National Register;
 - (iv) whether the person has ever breached a condition of registration in Subdivision B of Division 1 of Part 2 of the Act;
 - (v) whether the person has ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or her creditors or assigned his or her remuneration for the benefit of creditors;
 - (vi) whether the person has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
 - (vii) whether the person was involved in the business of the provision of VET courses by another provider who is covered by any of the above paragraphs at the time of any of the events that gave rise to the relevant prosecution or other action;
 - (viii) whether the person has ever provided a State or Territory registering body and/or the National VET Regulator with false or misleading information or made a false or misleading statement to a State or Territory registering body or the National VET

- Regulator, and whether the person knew that the statement made or information provided to the State or Territory registering body or National VET Regulator was false or misleading; and
- (ix) whether the person has ever been found not to be a fit and proper person for the purposes of the *Education Services for Overseas Students Act 2000*;
- (m) a list of the correct national code and title of the Training Package, VET qualifications, VET accredited courses, modules or units of competency that the applicant/NVR registered training organisation delivers, or intends to deliver, including:
- (i) a training and assessment strategy for each VET qualification, VET accredited course, module and unit of competency applied for;
 - (ii) evidence to demonstrate that each trainer and assessor has the necessary training and assessment competencies and the relevant vocational competency for each VET qualification, VET accredited course, module and unit of competency that they deliver and assess;
 - (iii) evidence to demonstrate that each trainer and assessor has current industry skills directly relevant to the training/assessment being undertaken
 - (iv) evidence of the supervisory arrangements for trainers who do not possess the required training competencies; and
 - (v) evidence of ongoing access to staff, facilities, equipment and training and assessment materials, that are consistent with the requirements of the Training Package or VET accredited course and the RTO's own training and assessment strategy.
- (n) details of any license/regulatory outcomes of the VET qualification and VET course applied for including details of the licensing body;
- (o) whether or not the applicant/NVR registered training organisation delivers, or intends to deliver, any training online, interstate, or by distance, and if so, in which jurisdictions;
- (p) whether or not the applicant/NVR registered training organisation delivers, or intends to deliver, any training offshore (overseas);
- (q) whether or not the applicant/NVR registered training organisation offers, or intends to offer, any training to international students, and if so, details of the CRICOS approval;

- (r) whether or not the applicant/NVR registered training organisation intends to apply for, or already receives, Commonwealth, State or Territory government funding for training;
- (s) whether or not the applicant/NVR registered training organisation intends to enter into, or is in, a partnership/sub-contracting arrangement for training;
- (t) whether or not the applicant/ NVR registered training organisation collects, or intends to collect, fees paid in advance from students for enrolment in training;
- (u) whether or not the applicant/ NVR registered training organisation delivers, or intends to deliver, training to students under the age of 18, and if so:
 - (i) Working With Children Checks for all relevant persons; and
 - (ii) policies and procedures for managing these students.
- (v) evidence of appropriate finance and AVETMISS compliant VET student records management systems; and
- (w) copy of public liability insurance cover.

Part 4 Quality Indicators

DPR 6 Collection of data against quality indicators

- 6.1 The NVR registered training organisation must collect data on the quality indicators agreed upon by the Ministerial Council, or its delegate.

DPR 7 Annual reports

- 7.1 A NVR registered training organisation must provide an annual summary report to the National VET Regulator against the quality indicators.
- 7.2 The annual summary report will be due on 30 June each year and will relate to the previous calendar year's activities.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.