



Australian Government

Australian Government Response to the Senate Standing
Committees on Education and Employment report:

National Vocational Education and Training Regulator
(Data Streamlining) Amendment Bill 2023 [Provisions]

OCTOBER 2023

The Australian Government welcomes the Senate Education and Employment Legislation Committee (committee) Report of April 2023 on the National Vocational Education and Training Regulator (Data Streamlining) Amendment Bill 2023 [Provisions] (the Bill), including the need for better data, faster to support improved monitoring and evaluation of skills programs.

The Government thanks the committee for its report and the individuals and organisations that took the time to provide submissions and appear as witnesses. The Australian Government's response to the report is below.

Majority report

The Government welcomes and accepts the single recommendation from the majority report that the Bill be passed. The Government notes the committee's view that the Bill would assist data collection and other related measures being implemented as part of the Vocational Education and Training (VET) Data Streamlining (VDS) program and that the proposed changes will help to modernise the way that registered training organisations (RTOs) manage the collection, validation, and submission of VET activity data.

Coalition Senators' additional comments

The Government welcomes the Coalition's in-principle support for amendments within the Bill. The Government's response to each of the actions contained in the Coalition Senators' additional comments is provided below.

The **first action** is to ensure adequate consultation is undertaken, resulting in better outcomes for the sector and Australia's future.

The Government notes that the VDS program is undertaking extensive consultation with the VET sector on the implementation of the program, including through the program's External User Reference Group. This working group includes representatives from RTOs, student management system providers and VET peak bodies along with state training authorities, VET regulators and the National Centre for Vocational Education Research (NCVER).

The **second and third actions** encourage the Government to undertake a thorough impact assessment and carefully consider the financial impacts of the Bill.

The Department of Employment and Workplace Relations (the department) is undertaking a comprehensive impact analysis that will estimate the change in burden associated with the VDS program to which the Bill relates.

The Government notes that, as part of the broader VDS program, there will be changes to the way RTOs are required to submit VET activity data to NCVER. This includes changes to what will be collected and how often that information will be collected by NCVER. These changes will be contained within amendments to the National Vocational Education and

Training Regulator (Data Provision Requirements) Instrument 2020 (DPRs Instrument) which is yet to be finalised.

Amendments to the DPRs Instrument will change the way that RTOs are required to submit VET activity data from the current periodic reporting requirements, to enabling progressive submission and validation using modern technology. To understand how these changes will impact RTOs both in terms of financial or regulatory impact, the department is undertaking a comprehensive impact analysis that will estimate the change in burden. As part of this process the department has undertaken over 60 one-on-one interviews with RTOs. While the frequency that RTOs will be required to submit data under the VDS program is still being finalised in consultation with jurisdictions, the information from the one-on-one RTO interviews has been invaluable in determining what RTOs consider would be an achievable frequency for data submission.

The department has committed to consulting with the sector through the VDS program's External User Reference Group on the impact analysis. The final impact analysis will be published on the Office of Impact Analysis website. In addition, the department will undertake further consultation with the sector including peak bodies, on the new data reporting obligations to be specified within the new DPRs Instrument before it is made.

The **fourth action** encourages the Government to evaluate the privacy concerns around access and disclosure of information under the Bill.

The Government notes that the measures in the Bill do not increase the range of personal information that may be shared under the *National Vocational Education and Training Regulator Act 2011* (NVETR Act). The VDS program will be implemented in accordance with the *Privacy Act 1988* and the Australian Privacy Principles to ensure that the personal information of VET students is appropriately protected.

The Government notes that the provision authorising release of information collected in accordance with the DPRs Instrument by the Secretary of the department is subject to a strong and appropriate level of ministerial oversight. This reflects the intergovernmental scheme under which VET activity data is collected. This provision ensures that the Ministerial Council remains the ultimate decision maker that can determine what RTO level information can be publicly released or what decisions around or pertaining to the public release of information by the Secretary can be agreed to by another person or body in relation to the DPRs Instrument.

The DPRs Instrument makes provision for de-identified data. Further, the DPRs Instrument requires RTOs collecting personal information which may be included in reportable data, to provide a privacy notice to individuals enrolling in a VET course. The notice is in the form set out in the DPRs. This requirement is in addition to any obligations that the *Privacy Act 1988* or other laws of the Commonwealth, a state or a territory may impose on RTOs.

Where the Ministerial Council agrees to the public release of RTO level information, the department has committed to undertaking comprehensive consultation with the sector. This will inform any decision of the Ministerial Council to the release of information publicly. The Government acknowledges the Independent Tertiary Education Council Australia's (ITECA) view that VET activity data should be used in context and considers the complexity of qualifications being taught, the delivery mode and the demographics of the student being taught. These considerations would be examined in detail if there was a proposal in the future to release RTO level information to the public.

The Government will continue to consult with the sector to ensure these reforms achieve the objectives of better data, faster which will support improved monitoring and evaluation of skills programs as well as making VET activity data reporting simpler for RTOs.