

School Curriculum and Standards Authority Amendment Regulations 2020

SL 2020/233

Made by the Governor in Executive Council.

1. Citation

These regulations are the *School Curriculum and Standards Authority Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *School Curriculum and Standards Authority Amendment Act 2017* section 8 comes into operation.

3. Regulations amended

These regulations amend the *School Curriculum and Standards Authority Regulations 2005*.

4. Part 5 inserted

After regulation 28 insert:

Part 5 — Procedures for disclosure of relevant information

29. Application of this Part

This Part applies to the disclosure by the Board of relevant information under section 32B of the Act.

30. Terms used

In this Part —

applicant means a person or body who has made a request;

human research ethics committee means a human research ethics committee constituted and acting in

accordance with the National Ethical Statement as in effect from time to time;

National Ethical Statement means the *National Statement on Ethical Conduct in Human Research* issued under the *National Health and Medical Research Council Act 1992* (Commonwealth) section 7(1)(a)(v);

request means a request to the Board for the disclosure of relevant information under section 32B of the Act to conduct research involving students.

31. Form of request

The Board must not accept a request unless —

- (a) it is in writing; and
 - (b) the Board is satisfied it contains sufficient information to enable the Board to —
 - (i) understand the objectives and methodology of the research to which the request relates; and
 - (ii) identify the relevant information requested;
- and
- (c) it indicates whether the research to which the request relates has been approved by a human research ethics committee.

32. Committee of Board to assist with non-government requests

- (1) In this regulation —

committee means a committee appointed under subregulation (2);

non-government request means a request from a person or body who is neither —

- (a) an agency as defined in the *Public Sector Management Act 1994* section 3(1); nor
 - (b) a non-SES organisation as defined in the *Public Sector Management Act 1994* section 3(1).
- (2) The Board must appoint at least 1 committee to review non-government requests.
- (3) The Board must refer a non-government request to a committee if the Board —
- (a) considers the request will require, or is likely to require, the disclosure of personal information; or

- (b) is unable to determine whether the request would require the disclosure of personal information.
- (4) The committee reviewing a non-government request referred under subregulation (3) must advise the Board —
 - (a) whether the request would require the disclosure of personal information to the person or body requesting the information; and
 - (b) if the request requires the disclosure of personal information, whether —
 - (i) the person or body who receives personal information is able to ensure the security of the personal information; and
 - (ii) the person or body who receives personal information is able to comply with any condition that might be imposed under section 32B(4) of the Act; and
 - (iii) the person or body who receives personal information is able to comply with any written law, guideline or policy that applies to the research; and
 - (iv) harm might be caused to a person whose personal information is disclosed; and
 - (v) there are benefits to the research.
- (5) If the Board reasonably considers it necessary, it may direct a committee to reconsider its advice given under subregulation (4) in relation to a non-government request.

33. Register of requests

- (1) The Board must set up and maintain a register of requests.
- (2) The register must contain the following details for each request —
 - (a) the name of the applicant;
 - (b) the date on which the request was submitted;
 - (c) if the request was accepted under regulation 31 — whether the request was approved or refused by the Board;
 - (d) if the request was approved — the type or types of relevant information disclosed by the Board.
- (3) Without limiting subregulation (2)(d), if the relevant information disclosed by the Board includes any

personal information in relation to a student, the register must include whether any of the following types of personal information were disclosed —

- (a) the student's name, address, date of birth, gender or unique reference number;
 - (b) whether the student is an Aboriginal or Torres Strait Islander;
 - (c) the main language spoken by the student at home;
 - (d) the main language spoken by the student's parents at home;
 - (e) the educational programs or courses in or for which the student was most recently enrolled or receiving home education;
 - (f) any educational programs or courses in or for which the student was previously enrolled or receiving home education;
 - (g) the student's educational achievement;
 - (h) whether the student is or was participating in an option other than school in accordance with the *School Education Act 1999* section 11B.
- (4) The register —
- (a) must not include personal information; but
 - (b) may otherwise be kept in the manner that the Board considers appropriate.

34. Refusal of requests

If the Board refuses a request it has accepted under regulation 31, it must give the applicant written notice of the refusal and the reasons for the refusal.

35. Annual report

The annual report of the Authority prepared for the purposes of the *Financial Management Act 2006* Part 5 must include a report on the number, nature and outcome of requests accepted by the Board under regulation 31.

V. MOLAN, Clerk of the Executive Council.
