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**EDUCATION**

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ED301

School Curriculum and Standards Authority Act 1997

**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.

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