Student Identifiers (Exemptions) Instrument 2014

I, Ian Macfarlane, Minister for Industry, make this legislative instrument under subsection 53(3) of the Student Identifiers Act 2014.

Dated 16 December 2014

Ian Macfarlane

Minister for Industry
Part 1 – Preliminary

1. Name of legislative instrument

This legislative instrument may be cited as the Student Identifiers (Exemptions) Instrument 2014.

2. Commencement

This legislative instrument commences on the day after it is registered.

3. Authority

This legislative instrument is made under sub-section 53(3) of the Student Identifiers Act 2014.

4. Definitions

In this legislative instrument, unless the contrary intention appears:

**AVETMISS** means Australian Vocational Education and Training Management Information Statistical Standard. AVETMISS is the standard for the collection of national VET data.

**Student portal** means the online facility made available to the Registrar for individuals to apply directly for a student identifier.

**VET** means vocational education and training.

The following terms have the same meaning as in the Student Identifiers Act 2014:

- Authenticated VET transcript
- Registrar
- Student identifier

The following terms have the same meaning as in the National Vocational Education and Training Regulator Act 2011:

- Registered training organisation
- VET Course
- VET qualification
- VET Regulator
- VET statement of attainment
Part 2 – Issue of VET qualifications and VET statements of attainment

5. **Purpose of Part 2**

This part specifies the exemptions from the requirement to have a student identifier assigned prior to a VET qualification or VET statement of attainment being issued, pursuant to sub-section 53(3) of the *Student Identifiers Act 2014*.

6. **Registered training organisations**

(1) Where, prior to 1 January 2016:

   (a) a registered training organisation is exempt from reporting on VET on the basis that it has notified its VET Regulator that it will not collect and submit AVETMISS compliant data on all or part of its nationally recognised training activity on the grounds that:

      (i) it is delivering vital community services (including emergency, fire, rescue or first aid services); and

      (ii) it considers that the submission of AVETMISS compliant data would adversely affect its ability to continue to deliver these vital community services to the Australian community:

   then

   (b) the registered training organisation can a VET qualification or VET statement of attainment to an individual without a student identifier where the individual has undertaken VET for which AVETMISS data is not collected and reported in terms of 6(1)(a) above.

(2) Commencing from 1 January 2016, where:

   (a) a registered training organisation is exempt from reporting on VET on the basis that it has notified its VET Regulator that it will not collect and submit AVETMISS compliant data on its nationally recognised training activity for which it has not received a fee or other form of consideration on the grounds that:

      (i) it is delivering vital community services (including emergency, fire, rescue or first aid services); and

      (ii) it considers that the submission of AVETMISS compliant data would adversely affect its ability to continue to deliver these vital community services to the Australian community;

   then

   (b) the registered training organisation may issue a:
(i) VET qualification; or

(ii) VET statement of attainment;

to an individual who has not been assigned a student identifier, where the registered training organisation has not received a fee or any other form of consideration in relation to:

(iii) any training or assessment provided by the registered training organisation; or

(iv) the issuance of;

that VET qualification or VET statement of attainment to the individual.

(3) Where:

(a) a registered training organisation, having consulted with its VET Regulator, is exempt from the requirement to collect and submit AVETMISS compliant data on a nationally recognised training activity where submission of that data would conflict with defence or national security legislation or could jeopardise the security or safety of defence, border protection, customs, national security or police personnel;

then

(b) the registered training organisation can issue a VET qualification or a VET statement of attainment to an individual who has not been assigned a student identifier and has undertaken VET to which paragraph 6(2)(a) applies.

(4) Where, prior to 1 January 2016:

(a) a registered training organisation delivers a VET course over a single day or less to an individual; and

(b) the individual is unable to obtain a student identifier before the completion of the VET course delivered over a single day or less;

then

(c) the registered training organisation may issue a VET qualification or a VET statement of attainment to that individual.

7. Individuals

(1) A VET qualification or VET statement of attainment can be issued by a registered training organisation to an individual who has not been assigned a student identifier, where the VET qualification or VET statement of attainment is to be issued to:

(a) an international student who has completed all the requirements for the VET qualification or VET statement of attainment outside of Australia; or
(b) an individual who has completed all the requirements for the VET qualification or VET statement of attainment before 1 January 2015; or

(c) an individual who has applied for and been granted an exemption in accordance with sub-section 7(2).

(2) An individual can apply to the Registrar for an exemption from the requirement to have a student identifier in order to be issued a VET qualification or VET statement or attainment, where the individual has a genuine personal objection to being assigned a student identifier.

(a) The application for an exemption must be submitted in the manner and form prescribed by the Registrar and must include such information as required by the Registrar.

(b) The Registrar must provide to the individual written confirmation that the individual has been granted an exemption where:

(i) the application for exemption is in the prescribed form and includes the required information; and

(ii) the Registrar is reasonably satisfied that the individual has clearly demonstrated a genuine personal objection to being assigned a student identifier.

(c) If the Registrar determines that the individual has not met the criteria outlined in paragraph 7(2)(b), then the Registrar must advise the individual in writing, stating the reason for such a determination.