Student Identifiers (Exemptions) Instrument 2018

I, Michaelia Cash, Minister for Small and Family Business, Skills and Vocational Education, make this legislative instrument under subsection 53(3) of the Student Identifiers Act 2014.

Dated 27 September 2018

Senator the Hon Michaelia Cash Minister for Small and Family Business, Skills and Vocational Education
Part 1 – Preliminary

1 Name of legislative instrument

This instrument is the Student Identifiers (Exemptions) Instrument 2018.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under subsection 53(3) of the Student Identifiers Act 2014.

4 Repeal of Student Identifiers (Exemptions) Instrument 2014

On commencement of this instrument, the Student Identifiers (Exemptions) Instrument 2014 is repealed.

5 Definitions

In this instrument, unless the contrary intention appears:

AVETMISS has the same meaning as in the National VET Data Policy.

National VET Data Policy means the document by that name, endorsed by the Council of Australian Governments Industry and Skills Council, in force on the date of commencement of this legislative instrument.

National VET Provider Collection has the same meaning as in the National VET Data Policy.

Registrar has the same meaning as in the Student Identifiers Act 2014.

registered training organisation has the same meaning as in the National Vocational Education and Training Regulator Act 2011.

statutory declaration means a declaration made under the Statutory Declarations Act 1959.

student identifier has the same meaning as in the Student Identifiers Act 2014.

VET course has the same meaning as in the National Vocational Education and Training Regulator Act 2011.

VET qualification has the same meaning as in the National Vocational Education and Training Regulator Act 2011.

VET statement of attainment has the same meaning as in the National Vocational Education and Training Regulator Act 2011.

visa holder has the same meaning as in the Migration Act 1958.
Part 2 – Issue of VET qualifications and VET statements of attainment

6 Purpose of Part 2

This part specifies, for the purposes of subsection 53(3) of the Student Identifiers Act 2014, the exemptions which allow a VET qualification or VET statement of attainment to be issued to an individual who has not been assigned a student identifier.

7 Registered training organisations

Where a registered training organisation is exempt from the requirement to collect and submit AVETMISS compliant data to the National VET Provider Collection:

(a) by operation of section 5.3 of the National VET Data Policy on the basis that collecting and submitting that data:

(i) would conflict with defence or national security legislation; or

(ii) could jeopardise the security of defence, border protection, customs, national security or police personnel; or

(b) by operation of section 5.5 of the National VET Data Policy on the basis that the:

(i) registered training organisation is providing emergency or safety related services to the Australian community;

(ii) registered training organisation is registered as a charity with the Australian Charities and Not-For-Profits Commission;

(iii) registered training organisation provides volunteers, employees, contractors or other students with training or assessment in a VET course, for which it receives no payment; and

(iv) ability of the registered training organisation to provide services to the community may be adversely impacted if it was required to collect and submit AVETMISS compliant data to the National VET Provider Collection on individuals who undertake training or assessment with that registered training organisation;

then the registered training organisation may issue a VET qualification or VET statement of attainment to an individual who:

(c) has not been assigned a student identifier; and

(d) has undertaken training or assessment to which either paragraphs 7(a) or 7(b) relate.
8 Individuals

A registered training organisation may issue a VET qualification or VET statement of attainment to an individual who has not been assigned a student identifier, if the individual:

(a) is not an Australian citizen or visa holder and has completed outside of Australia, all the requirements to be issued the VET qualification or VET statement of attainment;

(b) has completed all the requirements for the VET qualification or VET statement of attainment before 1 January 2015; or

(c) has completed, and provided to the Registrar, a statutory declaration in which they have declared that they:

(i) have a genuine personal objection to being assigned a student identifier; and

(ii) understand the consequences and potential consequences of not being assigned a student identifier.