



Student Identifiers (Higher Education Exemptions) Instrument 2021

made under section 53A of the

Student Identifiers Act 2014

Compilation No. 2

Compilation date: 27 May 2023

Includes amendments up to: F2023L00611

Prepared by Department of Education

About this compilation

This compilation

This is a compilation of the *Student Identifiers (Higher Education Exemptions) Instrument 2021* that shows the text of the law as amended and in force on 27/05/2023 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Student Identifiers (Higher Education Exemptions) Instrument 2021*.

3 Authority

This instrument is made under section 53A of the *Student Identifiers Act 2014*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 4 of the Act, including the following:

- (a) Registrar;
- (b) student identifier.

In this instrument:

Act means the *Student Identifiers Act 2014*.

Commonwealth supported student has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

course of study has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

FEE-HELP assistance has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

HECS-HELP assistance has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

OS-HELP assistance has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

SA-HELP assistance has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

unit of study has the meaning given in Schedule 1 of the *Higher Education Support Act 2003*.

visa holder has the meaning given in subsection 5(1) of the *Migration Act 1958*.

5 Matters to consider for exemptions by the Registrar

For the purposes of subsection 53A(7) of the Act, when considering a request to make a determination that subsection 53A(1) of the Act does not apply in relation to an individual, the Registrar must have regard to the following matters in making a decision:

- (a) the purpose of individuals being assigned a student identifier for their higher education studies;

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- (b) the impact of not being assigned a student identifier on the individual;
 - (c) whether the individual will, or is likely to, apply for FEE-HELP assistance or HECS-HELP assistance, or become a Commonwealth supported student; and
 - (d) whether the individual understands the consequences of not being assigned a student identifier in relation to their higher education studies, including that the individual will not be:
 - (i) eligible to be a Commonwealth supported student, or for HECS-HELP assistance or FEE-HELP assistance for a unit of study of a course of study that they commenced on or after 1 January 2021 and for any unit of study on or after 1 January 2023;
 - (ii) entitled to OS-HELP assistance for applications on or after 1 January 2021;
 - (iii) eligible for SA-HELP assistance in relation to student services and amenities fees payable on or after 1 January 2023.

6 Exemptions given by the Education Minister

For the purposes of subsection 53A(3) of the Act, subsection 53A(1) does not apply to a conferral of a regulated higher education award on an individual where:

- (a) the individual is not:
 - (i) an Australian citizen; or
 - (ii) a visa holder that has validly entered Australia on that visa; and
- (b) the individual does not, at the time of the conferral of the regulated higher education award, reside in Australia; and
- (c) the individual:
 - (i) completed, outside of Australia, all of the requirements to be conferred the regulated higher education award; or
 - (ii) completed all the requirements to be conferred the regulated higher education award, before 1 January 2023; or
 - (iii) commenced the course of study to which the conferral of the regulated higher education award relates, before 1 January 2023.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Student Identifiers (Higher Education Exemptions) Instrument 2021</i>	13 August 2021 (F2021L01112)	14 August 2021	
<i>Student Identifiers (Higher Education Exemptions) Amendment (Education Minister Exemptions) 2022</i>	29 November 2022 (F2022L01536)	30 November 2022	
<i>Student Identifiers (Higher Education Exemptions) Amendment (Education Minister Exemptions) Instrument 2023</i>	26 May 2023 (F2023L00611)	27 May 2023	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 4	am F2022L01536
s 6	ad F2022L01536
	am F2023L00611