



Student Identifiers (VET Exemptions) Instrument 2021

I, Stuart Robert, Minister for Employment, Workforce, Skills, Small and Family Business, make this legislative instrument under section 53 of the *Student Identifiers Act 2014*.

Dated 22 September 2021

Stuart Robert
Minister for Employment, Workforce, Skills, Small and Family Business

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Part 1—Preliminary

1 Name

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

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsections 53(3) and 53(9) 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) Commonwealth Minister;
- (b) Ministerial Council
- (b) registered training organisation;
- (c) Registrar;
- (d) student identifier;
- (e) VET.

In this instrument:

Act means the *Student Identifiers Act 2014*.

Australian citizen has the same meaning as in the *Australian Citizenship Act 2007*.

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 Ministerial Council, as in force on the date of commencement of this instrument.

Note: The *National VET Data Policy* could in 2021 be viewed on the Department of Education, Skills and Employment's website.

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

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*.

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

VET student loan has the same meaning as in the *VET Student Loans Act 2016*.

visa holder has the same meaning as in the *Migration Act 1958*.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2—Exemptions given by Commonwealth Minister

6 Purpose of Part 2

This part sets out, for the purposes of subsection 53(3) of the Act, the exemptions specified by the Commonwealth Minister in relation to the prohibition in subsection 53(1) on a registered training organisation issuing a VET qualification or VET statement of attainment to an individual who has not been assigned a student identifier.

7 Exemptions

Subsection 53(1) of the Act does not apply in relation to:

- (a) a registered training organisation, where the following sections in the National VET Data Policy provide that the registered training organisation is exempt from the requirement to collect and submit AVETMISS compliant data to the National VET Provider Collection:
 - (i) sections 5.3 and 5.4 (National security, border protection and policing exemption); or
 - (ii) sections 5.5 and 5.6 (Delivery of emergency or safety community services exemption); or

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- (b) an individual who:
 - (i) 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; or
 - (ii) has completed all the requirements for the VET qualification or VET statement of attainment before 1 January 2015.

Part 3—Exemptions given by Registrar

8 Purpose of Part 3

This part sets out, for the purposes of subsection 53(7) of the Act, the matters that the Registrar is to have regard to when making a decision on an individual's request for an exemption from the prohibition in subsection 53(1) of the Act on a registered training organisation issuing a VET qualification or VET statement of attainment to an individual who has not been assigned a student identifier.

9 Matters to consider for exemptions given by Registrar

When making a decision under subsection 53(6) of the Act, the matters to which the Registrar must have regard under subsection 53(7) of the Act are as follows:

- (a) the purpose of VET students being assigned student identifiers;
- (b) the impact of not being assigned a student identifier on the individual;
- (c) whether the individual will, or is likely to, apply for VET student loan or other financial assistance for which having a student identifier is a requirement; and
- (d) whether the individual understands the consequences of not being assigned a student identifier, including that the individual will not be eligible for a VET student loan where an application for the loan is made on or after 1 January 2021.

Part 4—Application and transitional provisions

10 Request for exemptions before, on or after commencement of this instrument

- (1) Section 9 of this instrument applies in relation to the Registrar's consideration of a request on or after the commencement of this instrument, regardless of when the request was made to the Registrar under subsection 53(5) of the Act.
- (2) Despite the repeal of the *Student Identifiers (Exemptions) Instrument 2018* by Schedule 1 to this instrument, subsection 53(1) of the Act shall continue to not apply in relation to an individual who met the conditions in paragraph 8(c) of the *Student Identifiers (Exemptions) Instrument 2018* before the commencement of this instrument.

Schedule 1—Repeals

Student Identifiers (Exemptions) Instrument 2018

1 The whole of the instrument

Repeal the instrument.