

Smart and Skilled Student Eligibility Policy

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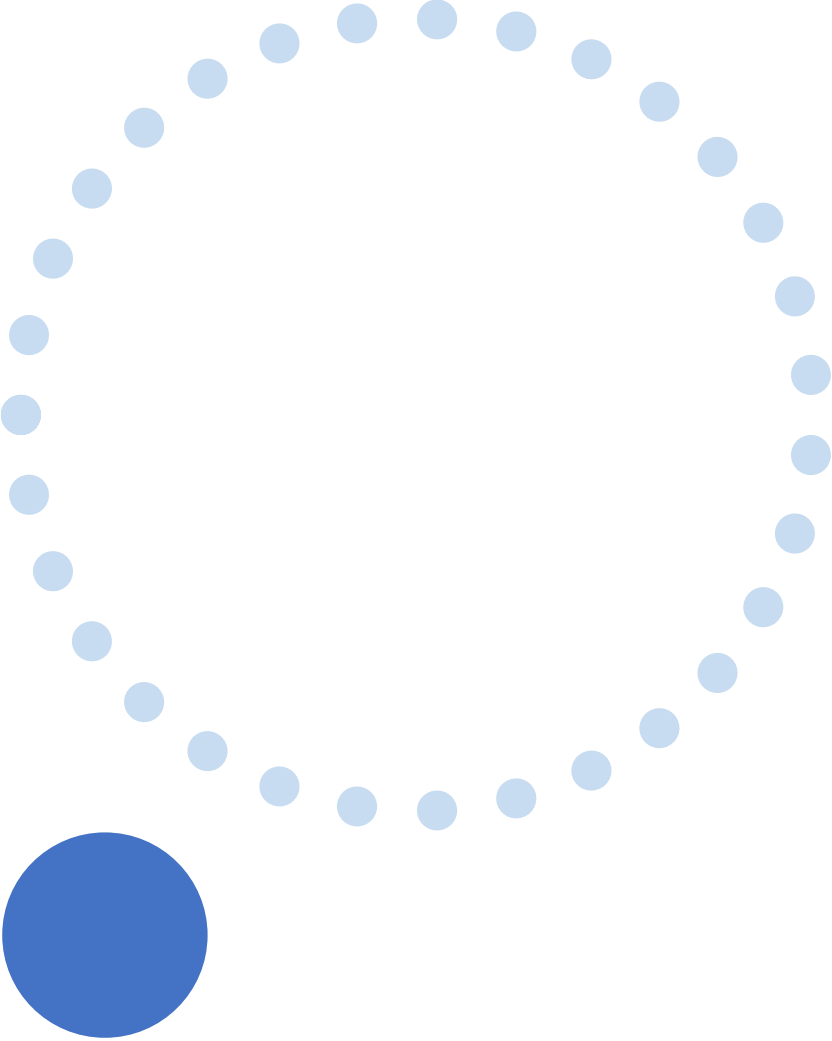
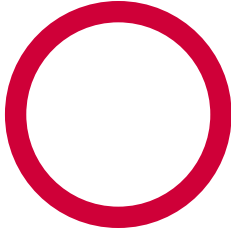


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Section 1: Introduction

This policy sets out the student eligibility and evidence requirements under Smart and Skilled which covers the following programs:

- Smart and Skilled Entitlement Foundation Skills (EFS)
- Smart and Skilled Entitlement Full Qualifications (EFQ)
- Smart and Skilled Entitlement Apprenticeships and Traineeships (EAT)
- Smart and Skilled Targeted Priorities Full Qualifications (TPFQ)
- Smart and Skilled Targeted Priorities Prevocational and Part Qualifications (TPPPQ).

This policy should be read in conjunction with the following documents:

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- The NSW Skills List
- The Schedule of Prices, Fees and Subsidies
- Smart and Skilled Fee Administration Policy
- Any other relevant Smart and Skilled policy documents.

1.2 School Based Apprenticeships and Traineeships Program

The eligibility and evidence requirements for the School Based Apprenticeships and Traineeships Program are set out in the ***School Based Apprenticeships and Traineeships Student Eligibility Policy***.

1.3 The Skilling for Recovery Initiative

The Program rules, including separate eligibility requirements, for the Skilling for Recovery Initiative are set out in the ***Smart and Skilled Policy for the Skilling for Recovery Initiative***.

1.4 Overview of Smart and Skilled

Smart and Skilled provides eligible students with access to Government subsidised training in NSW. This includes an entitlement for all NSW citizens to undertake Apprenticeship and Traineeship training.

The NSW Skills List provides the nationally accredited qualifications and courses that eligible students may undertake. Eligible students may also undertake a short course (either a nationally accredited skills sets or a bespoke skills set made up of nationally accredited units of competency and/or modules) through the Targeted Priorities Prevocational and Part Qualifications Program.

Under Smart and Skilled, a student contributes towards the cost of training through the payment of a student fee.

There are different categories of student fees, based on the program, the qualification and the characteristics of the student. The schedule of fees for each qualification on the NSW Skills List can be accessed at: <https://www.nsw.gov.au/education-and-training/resources/qualification-prices-fees>.

Some students may be eligible for fee-free training or a concession fee.

The **Smart and Skilled Fee Administration Policy** provides detailed guidance on fee arrangements and eligibility requirements for fee-free training or fee concessions.

Section 2: Smart and Skilled student eligibility criteria

2.1 Eligibility criteria for all Smart and Skilled Programs

(except Smart and Skilled Entitlement Apprenticeships and Traineeships Program)

A person who is eligible to receive subsidised training in all Smart and Skilled Programs (except Smart and Skilled Entitlement Apprenticeships and Traineeships Program) is a person who, at the time of enrolment in a qualification or course on the NSW Skills List or a “short course” (as defined in section 1.4 above) with a Smart and Skilled provider:

- (a) lives or works in NSW (determined by postcode of the usual place of residence or place of work); **or**
- (b) an Aboriginal or Torres Strait Islander student who does not live or work in NSW but lives in specific defined interstate NSW border areas is eligible for government-subsidised training under Smart and Skilled (as identified in the list set out in the Smart and Skilled Operating Guidelines); **and**
- (c) is:
 - (i) an Australian citizen; or
 - (ii) a permanent Australian resident; or
 - (iii) a New Zealand citizen; or
 - (iv) a humanitarian visa holder or a partner visa holder whose sponsor is a humanitarian visa holder (see **Appendix 1: Refugees and asylum seekers** for more information); **and**
- (d) is aged 15 years or older; **and**
- (e) is no longer in secondary education - except for registered home school students (See relevant sections below for further information).

A student must declare that the information they provide with regards to eligibility is true, accurate, complete and not misleading.

The Provider must sight or maintain acceptable evidence as detailed in **Section 3: Accepted evidence**.

No longer in secondary school

To be eligible for Smart and Skilled, a student must have left school. A student who is still at school and completing an apprenticeship or traineeship outside of their school studies is ineligible for Smart and Skilled.

Note:

The eligibility requirement for a student to have left school includes having left by school education or an alternative pathway in adherence with the NSW School Leaving Age Policy and the *Education Act 1990* (NSW) (www.austlii.edu.au/au/legis/nsw/consol_act/ea1990104/s21b.html) and the *Educational Amendment (School Leaving Age) Regulation 2009* (NSW).

Home Schooled Students

Home schooled students who are registered by the NSW Education Standards Authority are eligible for Smart and skilled.

2.2 Eligibility criteria for Smart and Skilled Entitlement Apprenticeships and Traineeships Program

A person who is eligible to receive Subsidised Training in the Smart and Skilled Entitlement Apprenticeships and Traineeships Program is a person who:

- (a) at the time of Commencement is a NSW Apprentice or New Entrant Trainee and has an approved Training Contract in NSW; **and**
- (b) the qualification that is being undertaken is on the NSW Skills List; **and**
- (c) the qualification that is being undertaken is shown on their Training Contract.

Note:

For a NSW New Entrant Trainee to be eligible, the qualification undertaken must be listed on the NSW Skills List. All NSW apprenticeship qualifications are on the NSW Skills List.

2.3 Exceptions

The following exceptions apply to **sections 2.2** of this Policy:

- (a) if a person is approved or registered as an Existing Worker Trainee, they will not be eligible to receive Subsidised Training in a Smart and Skilled Qualification that is associated with the Training Contract for their existing worker traineeship, in relation to any Smart and Skilled Program.

The following exception applies to **sections 2.1 and 2.2** of this Policy:

- (b) the Department may allow a Smart and Skilled Provider to treat a person, who does not fit any of the above eligibility criteria, as being eligible to receive Subsidised Training under Smart and Skilled.

Section 3: Proof of eligibility - Acceptable evidence

The following section outlines the proof of eligibility requirements to access Smart and Skilled. The **Smart and Skilled Fee Administration Policy** outlines the proof of eligibility requirements for fee-free training or fee concessions.

At enrolment, a student declaration is acceptable where a form of evidence is required to be sighted or collected by the Provider. However, the required evidence outlined in the below table, must be sighted or collected by the Provider prior to submitting Training Activity Data for an enrolled student who has commenced.

| Requirement | Evidence | Evidence requirements |
|---|---|--|
| Proof of Identity: | | |
| 1. Proof of identity | <ul style="list-style-type: none"> USI. <p>The Provider must ensure validity of the USI. The Department will also check validity with the USI Registry.</p> | Valid USI at enrolment |
| Smart and skilled eligibility: | | |
| 2. Living or working in NSW | <p>Living in NSW:</p> <ul style="list-style-type: none"> any Commonwealth or NSW Government issued document providing evidence of living location, or <p>Working in NSW (if the student does not live in NSW):</p> <ul style="list-style-type: none"> employer-issued document confirming employment in NSW. | Evidence sighted or collected by Providers |
| 3. Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident | <p>Australian citizen:</p> <ul style="list-style-type: none"> Australian birth certificate; or Australian Passport; or Certificate of Australian Citizenship (Naturalisation Certificate); or Green Medicare Card. <p>New Zealand citizen:</p> <ul style="list-style-type: none"> New Zealand birth certificate; or New Zealand Passport; or Green Medicare Card. <p>Permanent Australian resident:</p> <ul style="list-style-type: none"> a Certificate of Evidence of Resident Status (CERS), which confirms status as an Australian permanent resident; or use the Department of Immigration and Border Protection's Visa Entitlement Verification Online (VEVO) facility to confirm status as Australian permanent resident and check passport; or Green Medicare Card. | Evidence sighted or collected by Provider |
| 4. Humanitarian visa holder and Partner visa holder (Refugee or asylum seeker) | <ul style="list-style-type: none"> Relevant visa documentation; or ImmiCard (where appropriate) <p>If the student holds a Bridging Visa, the student must provide a document from the Department of Immigration and Border Protection acknowledging that the bridging visa is linked to an application for a humanitarian visa. For additional information, refer to Appendix 1: Refugees and asylum seekers.</p> | Evidence sighted or collected by Provider |

| Requirement | Evidence | Evidence requirements |
|--|--|---|
| 5. Home schooled students | <ul style="list-style-type: none"> Copy of current certificate of home schooling registration, which clearly indicates the period of time for which the student will be home schooled | Evidence sighted or collected by Provider |
| 6. Date of birth | <ul style="list-style-type: none"> USI data | USI checks date of birth |
| 7. Registration as NSW apprentice or new entrant trainee | <ul style="list-style-type: none"> Training Contract identifier (TCID) number | Department system check against details of approved or registered Training Contract stored in the Department's database |
| 8. Year 10 completion or equivalent (if under 17) | <ul style="list-style-type: none"> Evidence that student has met school leaving age requirement | Student declaration/signature at enrolment |
| 9. Postcode for an Aboriginal or Torres Strait Islander Person who lives in specific defined interstate NSW border areas | <ul style="list-style-type: none"> Any Commonwealth or NSW Government issued document providing evidence of living location | Student declaration/signature at enrolment |

NOTE:

1. All evidence must be able to be verified by the Provider. At the Department's discretion, the Department may request a copy of the evidence or proof that the evidence has been sighted.
2. Where evidence is sighted but not kept, a record that confirms sighting of the evidence and a description of the evidence, must be maintained by the Provider. The record must be dated and signed by a person authorised by the Provider. The name of the signatory and their position should also be captured.
3. Where the evidence provided by the student is a copy of the original, the copy must be certified by a person who is on the list of approved witnesses who can verify documents. A list of which is available at the Commonwealth Attorney General's Department website at: www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx

Students who are inmates with NSW Corrective Services

Students who are inmates in NSW correctional facilities do not have access to many of the documents required to allow the Provider to assess eligibility for Smart and Skilled.

NSW Corrective Services records information in the Offender Integrated Management System (OIMS) which can verify:

- Smart and skilled Eligibility:
 - Living or working in NSW
 - Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident
 - Humanitarian visa holder (Refugee or asylum seeker)

Providers must make arrangements with the correctional facility on how information to support eligibility will be accessed/sighted. The sighting of information recorded on OIMS is deemed as sufficient evidence, however must be recorded by the Provider as per note 2 above.

Appendix 1: Refugees and asylum seekers

1. Refugees and asylum seekers who hold particular visas are eligible for Smart and Skilled. A student who holds one of the below humanitarian visas are eligible for Smart and Skilled.

| Permanent visas |
|--|
| Emergency rescue visa (Subclass 203) |
| Global special humanitarian programme visa (Subclass 202) |
| In-country special humanitarian programme visa (Subclass 201) |
| Protection visa (Subclass 866) |
| Refugee visa (Subclass 200) |
| Woman at Risk visa (Subclass 204) |
| Temporary visas |
| Bridging Visa A (BVA) |
| Bridging Visa B (BVB) |
| Bridging Visa C (BVC) |
| Bridging Visa D (BVD) |
| Bridging Visa E (BVE) |
| Safe Haven Enterprise visa (Subclass 790) |
| Temporary Humanitarian Concern visa (Subclass 786) |
| Temporary Humanitarian Stay visa (Subclass 449) |
| Temporary Protection visa (Subclass 785) |
| Partner Visa |
| Partner (Provisional and Migrant) visa (subclass 309 100) – (Refer to point 3 below) |
| Partner visa (subclass 820 801) – (Refer point 3 below) |

2. For a person who holds a Bridging Visa to be eligible under Smart and Skilled, the bridging visa must be attached to an application for a humanitarian visa eligible for Smart and Skilled as listed above. The student must provide a document from the Department of Immigration and Border Protection acknowledging application for a humanitarian visa.
3. A person who holds a Partner (Provisional and Migrant) visa (subclass 309 100) or Partner visa (subclass 820 801) must also provide evidence that their *sponsor holds or held* one of the humanitarian visas outlined above.

Note:

As visa types and categories are subject to change, Providers are encouraged to refer to additional materials produced by the Department on this matter.