For all registrars and student enrolment staff

Background

- 2012 Skills for Victoria Service Agreements contain a requirement that RTOs must have a clear business process for determining the eligibility of individuals for government subsidised training under the Victorian Training Guarantee (VTG).

- As a result of changes to the VTG eligibility criteria announced in SAN 2012-03, Clause 1.9 of Schedule 2 of 2012 Skills for Victoria Service Agreements, which outlines the requirements for sighting evidence of eligibility, has been updated to include a declaration by the student as to:
  - the number of government subsidised courses the student has commenced or is scheduled to commence in 2012; and
  - the number of government subsidised courses the student is currently undertaking.

A revised Clause 1.9 of Schedule 2 of 2012 Skills for Victoria Service Agreements is at Attachment 1.

The Evidence of Eligibility and Student Declaration form has also been updated to reflect these changes and is at Attachment 2.

Main Points

- As previously advised, information and confirmation recorded on the Evidence of Eligibility and Student Declaration form are mandatory and must be collected and retained for each student that an RTO assesses as eligible for the VTG.

Acceptance of certified photocopies of original documents

- RTOs are able to sight original documents, or certified photocopies of original documents demonstrating a student’s eligibility. This is to ensure this requirement can be met where a student is unable to physically present their evidence of eligibility to the RTO.

- A certified photocopy is a photocopy of an original document which has been certified as being a true copy by an authorised person. Authorised persons include those listed at Attachment 3. To have a document certified, a student must take the original and a photocopy to an authorised person. The authorised person should write on every page of the copy document “I have sighted the original document and certify this to be a true copy of the original”, sign each statement and provide their designation, for example “Pharmacist”.

- Students using certified photocopies of their original documents will be required to present or mail them to the RTO. For the purpose of the Evidence of Eligibility and Student Declaration, certified photocopies that are scanned or faxed are not sufficient to meet this requirement and will not be accepted at audit.

- In recognition that some RTOs use fully online enrolment systems, RTOs could choose to receive scanned copies of evidence (certified or not) to support the online enrolment. However, sighting of the scanned copy will not be accepted at audit, and certified photocopies of original evidence of eligibility (from the student via mail) will be required in order to complete the Evidence of Student Eligibility and Student Declaration form requirements and confirm the enrolment.

- RTOs may wish to consider making the Evidence of Eligibility and Student Declaration form (or equivalent) available for students to print and complete Section B (highest held qualification), sign and return in hardcopy along with certified photocopies of relevant documentation.
Who is an authorised delegate of the RTO?

- RTOs should not confuse persons authorised to certify documents (as specified at Attachment 2) with the authorised delegate of the RTO who must complete the Evidence of Eligibility and Student Declaration. RTOs are reminded that as it is their responsibility to assess the eligibility of individuals for the Victorian Training Guarantee, an authorised delegate should be an employee/s of the RTO who has been formally delegated this function from the CEO or equivalent. For an authority to be formally delegated, written evidence of such a delegation should be available at audit.

Electronic completion of the Evidence of Eligibility and Student Declaration form

- RTOs may choose to complete, and have students complete, the Evidence of Eligibility and Student Declaration form electronically. As previously advised, If an RTO chooses to collect the information in another format, it is the responsibility of the RTO to ensure that the information collected is exactly the same as that which would have been collected had the Evidence of Eligibility and Student Declaration form been used.

- RTOs completing the Evidence of Eligibility and Student Declaration form (or equivalent) electronically must ensure the student completes Section B (declaring highest held qualification) and undertakes an electronic action equivalent to their signature (such as checking a box). The authorised delegate of the RTO may also complete the form electronically, including their name, position, and an electronic action equivalent to their signature upon sighting the student's evidence of eligibility in hard copy.

- Electronic completion of the Evidence of Eligibility and Student Declaration form (or equivalent) does not in any way remove or negate the requirement for the student to provide and the RTO to sight hard copy documentation in support of eligibility.

Proxy declarations for students in exceptional circumstances

- In absolute exceptional circumstances where an applicant is unable to provide any of the listed documents which would demonstrate their citizenship/residency, for example where an individual's birth was not registered with a Registry of Births Deaths and Marriages, RTOs should exercise their judgement with regard to this criterion and arrange for a high level referee declaration as a proxy.

- A signed declaration by the CEO of the RTO or of a relevant government or community service provider may be acceptable in these circumstances. All reasonable effort should be made to assist an individual to demonstrate their citizenship/residency status in the conventional way, with a proxy declaration being used in exceptional and specific circumstances only.

- RTOs seeking to use a referee declaration as evidence of student eligibility should first lodge a query on SVTS seeking confirmation by Skills Victoria that the circumstances warrant the use of this exceptional mechanism. Approval by Skills Victoria is required for each individual for whom a referee declaration is used, and cases should be presented as robustly as the circumstances allow.

- Proxy declarations are not acceptable, for example, where an individual has simply been reluctant to incur the cost or inconvenience of obtaining relevant documents. An RTO may be required to demonstrate its decision making process in this regard and to show the referee declaration at audit.

- Skills Victoria anticipates only a very small number of individuals will require use of a proxy declaration by the RTO delegate.

General information

- RTOs are reminded:
  - The Evidence of Eligibility and Student Declaration form is not intended to replace existing eligibility assessment processes or student enrolment forms.
  - Completion of the Evidence of Eligibility and Student Declaration form alone does not constitute a comprehensive eligibility assessment.
  - Eligibility assessment processes should involve informative discussions with applicants, as well as comprehensive assessments of the circumstances against the student eligibility requirements of the 2012 Skills for Victoria Service Agreement, including any variations to that Agreement.
  - Support tools for the application of the VTG eligibility criteria were provided with Service Agreement Notification 2011-07. These remain optional tools to support RTOs’ eligibility assessment processes.

- In dealing with individuals’ personal information, RTOs are reminded of their obligations under the Information Privacy Act 2000.
**Critical Dates:** This SAN is effective as of 8 February 2012.

**Attachments / Relevant Resources:**
- **Attachment 1** Revised Clause 1.9 of Schedule 2 of 2012 Service Agreements
- **Attachment 2** 2012 Evidence of Eligibility and Student Declaration form
- **Attachment 3** List of Authorised Persons

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**Actions Required:**
- RTOs must complete and retain *Evidence of Eligibility and Student Declaration* forms OR collect the exact same information in another format for all students assessed as eligible for the *Victorian Training Guarantee* who will commence their training in 2012.
- All enquiries concerning this Service Agreement Notification should be lodged on SVTS under the Category of Skills Victoria/Student Eligibility.

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Lee Watts
Executive Director
Sector Operations
Evidence of Eligibility for the Victorian Training Guarantee

1.9 Relevant evidence to be retained by the RTO for each Eligible Individual must include:

a a signed confirmation by an authorised delegate of the RTO* that one (1) piece of original documentary evidence, or a certified photocopy of original documentary evidence, from the following list, has been sighted:

i an Australian Birth Certificate; or

ii a current Australian Passport; or

iii a current New Zealand Passport; or

iv a naturalisation certificate; or

v a Temporary Protection Visa; or

vi a green Medicare Card; or

vii formal documentation issued by the Australian Department of Immigration and Citizenship confirming permanent residence; or

viii a signed declaration by a relevant referee.

And if the individual is deemed an Eligible Individual under clause 1.4 a and 1.4 b, and the original document produced from the list above does not include a date of birth:

ix a current drivers licence; or

x a current learner permit; or

xi a Proof of Age card; or

xii a ‘Keypass’ card; and

b for individuals deemed Eligible Individuals under clause 1.4 a and 1.4 b iv, a signed declaration by the Eligible Individual, stating the highest qualification that they hold.

c for individuals deemed Eligible Individuals under clause 1.4, a signed declaration by the Eligible Individual stating the number of government subsidised courses they have commenced or are scheduled to commence in 2012; and the number of government subsidised courses they are currently undertaking.

* An authorised delegate means an employee/s of the RTO who has been formally delegated this function from the CEO or equivalent. For an authority to be formally delegated, written evidence of such a delegation must be available at audit.
SKILLS FOR VICTORIA - VICTORIAN TRAINING GUARANTEE
2012 EVIDENCE OF STUDENT ELIGIBILITY AND STUDENT DECLARATION

Section A To be completed by an authorised delegate of the registered training organisation

I confirm that in relation to __________________________________________________________

(Student’s full name)

I have sighted the following original, or a certified photocopy of the original, documents

- an Australian Birth Certificate; or
- a current Australian Passport; or
- a current New Zealand Passport; or
- a naturalisation certificate; or
- a Temporary Protection Visa; or
- a green Medicare Card; or
- formal documentation issued by the Australian Department of Immigration and Citizenship confirming permanent residence; or
- a signed declaration by a relevant referee

and if the student’s age is relevant to their eligibility and the document produced from the list above does not include a date of birth:

- a current drivers licence; or
- a current learner permit; or
- a Proof of Age card; or
- a ‘Keypass’ card.

Authorised RTO delegate:

Name: _____________________________________________________________________
Position: ___________________________________________________________________
Signed: ________________________________________________  Date:______________

Section B To be completed by the student (if relevant to the student’s eligibility)

I, ____________________________________________________________________ declare that:

(Student’s full name)

a. The highest qualification I currently hold is:

____________________________________________________________________________

(Include full title of qualification, eg. Certificate III in Aged Care; Intermediate VCAL, Year 10)

b. I have commenced or I am scheduled to commence ______ government subsidised course/s in 2012.

c. I am currently undertaking ______ government subsidised course/s.

Signed: ____________________________________________________     Date: ______________
Authorised persons include:

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or the deputy registrar of the County Court, the principal registrar of the Magistrates' Court or the registrar or the deputy registrar of the Magistrates' Court
- the registrar of probates and the assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the secretary of a master of the Supreme Court or of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- a member of the police force
- the sheriff or deputy sheriff
- a member or a former member of either House of the Parliament of Victoria
- a member or a former member of either House of the Parliament of the Commonwealth
- a councillor of a municipality
- a senior officer of a council as defined in the *Local Government Act 1989*
- a registered medical practitioner within the meaning of the *Medical Practice Act 1994*
- a registered dentist within the meaning of the *Dental Practice Act 1999*
- a veterinary practitioner
- a pharmacist
- a principal in the (State) teaching service
- the manager of a bank
- a member of the Institute of Chartered Accountants in Australia or CPA or the National Institute of Accountants
- the secretary of a building society
- a minister of religion authorised to celebrate marriages (not a civil celebrant)
- a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification for statutory declarations, or who holds office in a statutory authority with such a classification
- a fellow of the Institute of Legal Executives (Victoria).