

Application for exemption



Principal purpose requirement

About this form

This form is for organisations seeking an exemption from the requirement, for registration or re-registration as a registered training organisation (RTO) under the *Education and Training Reform Act 2006* (the Act), that the organisation has the principal purpose of providing education and training.

This form is designed to be read in conjunction with *the guide for organisations seeking an exemption from the principal purpose requirement of providing education and training.*

About principal purpose requirement

From 1 January 2012, changes to the Act mean that the Victorian Registration and Qualifications Authority (VRQA) must not:

* grant an application to become a registered training organisation (RTO) or
* renew the registration of an RTO in Victoria

unless the organisation has the principal purpose of providing education and training or is exempt from that requirement.

The Act authorises the Minister, or a delegate of the Minister, to grant an exemption from the principal purpose requirement to organisations if they:

* are a community based organisation
* provide education and training services on a ‘not-for-profit’ basis
* provide education and training only to their staff members or staff members of related entities.

The Minister has delegated the power to grant an exemption to the Director of the VRQA.

Submitting your application

The application must be sent via email to: [vrqa.vet@education.vic.gov.au](mailto:vrqa.vet@education.vic.gov.au)

Privacy disclaimer

All information collected in this form is required by State or Commonwealth legislation and associated regulatory frameworks. In accordance with the requirements of the Minister’s delegation to the Director VRQA, a copy of any instrument of exemption that may be issued will be forwarded to the Deputy Secretary, Skills Victoria in the Department of Education and Training and to the VRQA Board.

The VRQA will only use this information in relation to its powers and functions under the *Education and Training Reform Act 2006.* To read the VRQA privacy policy, see:

* [Information Privacy Policy](https://www2.vrqa.vic.gov.au/vrqa-privacy-statement)

Personal information submitted in this application may be disclosed to officers of Skills Victoria as part of the delegate’s reporting relationship to the Minister. You are able to request access to personal information that we hold about you and request that it be corrected.

Application form for exemption from the principal purpose requirement

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| **Section 1– Applicant’s details** (“Employer”) | | | | | | |
| 1. | Name of Legal Entity applying for exemption |  | | | | |
| 2. | Trading name of Legal Entity  (if different to above) |  | | | | |
| 3. | Indicate whether the organisation is an existing RTO | Existing RTO applying for exemption for RTO re-registration | | | |  |
|  |  |  | Enter RTO number (TOID) | | |  |
|  |  | Organisation applying for initial registration as an RTO | | | |  |
| 4. | Head office address | Address | |  | | |
|  |  | Phone | |  | | |
|  |  | Email | |  | | |
|  |  | Website | |  | | |
| 5. | Principal Executive Officer (PEO) | Address | |  | | |
|  | Phone | |  | | |
| Note: Free subscription email is not accepted. | Email | |  | | |
| 6. | Registration Contact VET | Name | |  | | |
|  | Position | |  | | |
|  | Address | |  | | |
|  | Phone | |  | | |
| Note: Free subscription email is not accepted. | Email | |  | | |
| 7. | Australian Company Number (ACN) |  | | | | |
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| **Section 2– Reasons for applying for exemption from the principal purpose requirement** | | | | | | |
| 8. | Indicate under which provision you intend to apply for exemption | Community based organisation | | |  | |
|  | Provision of education and training services on a not-for-profit basis | | |  | |
|  | Provision of education and training only to staff members or staff members of related entities | | |  | |
| 10. | Specify why your organisation does not meet the principal purpose requirement | | | | | |
|  | Please provide a short history and describe the nature of your organisation’s operations since its inception or for the past five years, whichever is the shorter period. Provide details of the main purpose of your organisation including both the education and training related function and those activities not related to education or training. | | | | | |
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| 11. | Applying for an exemption as a community based organisation | |
|  | If you are applying for an exemption from the principal purpose requirement because you believe your organisation falls within the definition of a community based organisation please provide the following information (refer to Section 7 and 8 of the guide):   * the main purpose of the community based organisation * history and membership of the organisation * details of current government funding * number of staff involved in the provision of training and education and the number of students * the proportion of the organisation’s business activities, income and expenditure that is related to the provision of education and training * whether the organisation is a not-for-profit entity and any evidence of the not-for-profit status * the importance to the organisation and to the public of the organisation being able to provide or continue to provide education and training as an RTO * any other matter you believe is relevant.   Please attach additional pages if necessary. | |
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| 12. | Applying for an exemption as a not-for-profit education and training provider  If you are applying for an exemption from the principal purpose requirement because you believe your organisation meets the definition of an organisation that provides education and training services on a not-for-profit basis, please provide the following information (refer to Section 7 and 8 of the guide):   * the number of staff involved in the provision of education and training * the proportion of the organisation’s business activities, income and expenditure that is related to the provision of education and training * evidence of the not-for-profit status of the organisation * the importance to the organisation and to the public of the organisation being able to provide or continue to provide education and training as an RTO * any other matter you believe is relevant.   Please attach additional pages if necessary. | |
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| 13. | Applying for an exemption as a provider of education and training only to staff  If you are applying for an exemption from the principal purpose requirement because you believe your organisation meets the definition of an organisation that provides education and training only to its staff members or staff members of a related entity, please provide the following information (refer to Section 7 and 8 of the guide):   * details of the main business or businesses conducted by the entity that also provides the education and training services * the number of staff involved in the delivery of education and training * details of membership of any relevant professional, training or industry association * documentation that demonstrates the provision of education and training is to staff members only * any other matter you believe is relevant.   Please attach additional pages if necessary. | |
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| **Section 3 – Applicant checklist** | | |
| 14. | Applicants seeking exemption from the principal purpose requirement should ensure that all relevant documentation below is included in your application | |
|  | Certified copies of your organisation’s constitution or other formation documents (ie Trust Deed etc). |  |
|  | Statements of the purpose of your organisation. |  |
|  | Written documentation providing evidence that your organisation meets the definition referred to in Section 2. This evidence may include statutory declarations or affidavits. |  |
|  | Certified copies of your organisation’s audited financial statements for the last three years (or for any of the last three years that the organisation has operated). |  |
|  | Details of your organisation’s student complaint systems. |  |
|  | Arrangements the organisation has in-place in the event that the RTO ceases to operate without fulfilling its obligations to its students. |  |
|  | A copy of your organisation’s standard agreement with students. |  |

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| **Section 4– Statutory declaration** | | | | | | | | | | | | |
| Made under the *Oaths and Affirmations Act 2018* | | | | | | | | | | | | |
| I |  | | | | | | | | | (print name) | | |
| Prinicipal Executive Officer of | | | | |  | | | | | (RTO legal name) | | |
| do solemnly declare that: | | | | | | | | | | | | |
| * I have read and understood the obligations imposed on entities registered as registered training organisations under Part 4.3 of the *Education and Training Reform Act 2006* and the RTO Standards (as that term is defined in the Education and Training Reform Act 2006). | | | | | | | | | | | | |
| * I have read and understood the *guide for organisations seeking an exemption from the principal purpose requirement* of providing education and training as published by the VRQA. | | | | | | | | | | | | |
| * All information provided in this application is true and correct. | | | | | | | | | | | |  |
| I acknowledge that this declaration is true and correct and and I make it knowing that making a statutory declaration that I know to be untrue is an offence.. | | | | | | | | | | | | |
| Declared at | |  | | | | | | | | | (location of signing) | |
| in the State of Victoria, this | | | |  | | (day) of |  | | (month) 202 | | (year) | |
| x | | | | | | | | (signature of Principal Executive Officer  – to be signed in front of a witness) | | | | |
| **Authorised witness\*** | | | | | | | |  | | | | |
| Before me | | |  | | | | | (signature of witness) | | | | |
|  | | | | | | | | (full name of witness) | | | | |
|  | | | | | | | | (address of witness) | | | | |
| \* The authorised witness must print or stamp his or her name, address and title under section 30 of the *Oaths and Affirmations Act 2018* (as of 1 March 2019), previously *Evidence (Miscellaneous Provisions) Act 1958*). For a list *of* authorised persons who may witness statutory declarations under section 30 of the *Oaths and Affirmations Act 2018* see:   * [www.justice.vic.gov.au/statdecs](http://www.justice.vic.gov.au/statdecs) | | | | | | | | | | | | |