



National Vocational Education and Training Regulator Amendment (Annual Registration Charge) Act 2017

No. 65, 2017

***An Act to amend the *National Vocational Education
and Training Regulator Act 2011*, and for related
purposes***

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 65, 2017

***An Act to amend the *National Vocational Education
and Training Regulator Act 2011*, and for related
purposes***

[Assented to 23 June 2017]

The Parliament of Australia enacts:

No. 65, 2017 National Vocational Education and Training Regulator Amendment 1
(Annual Registration Charge) Act 2017

1 Short title

This Act is the *National Vocational Education and Training Regulator Amendment (Annual Registration Charge) Act 2017*.

2 Commencement

- (1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	23 June 2017
2. Schedule 1	1 July 2017.	1 July 2017

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

National Vocational Education and Training Regulator Act 2011

1 Subparagraph 18(c)(iv)

Repeal the subparagraph, substitute:

- (iv) the amount of the National VET Regulator annual registration charge payable by the applicant under section 232A in relation to the registration for the current financial year;
- (v) if that amount is payable in instalments—the amount of each instalment.

2 Subsection 39(1)

Omit “a registration fee”, substitute “a National VET Regulator annual registration charge by the date on which it is payable (see section 232A)”.

3 After section 232

Insert:

232A National VET Regulator annual registration charge

- (1) This section applies to a person if:
 - (a) the person starts or continues to be registered during a financial year under this Act as an NVR registered training organisation; or
 - (b) both:
 - (i) the person starts or continues to be registered during a financial year under the *Education Services for Overseas Students Act 2000* as a registered provider; and
 - (ii) the National VET Regulator is the ESOS agency for the registered provider (within the meaning of that Act).

- (2) The person is liable to pay the National VET Regulator annual registration charge imposed by Part 1A of the *National Vocational Education and Training Regulator (Charges) Act 2012*, in relation to the person's registration as mentioned in paragraph (1)(a) or (b) for the financial year.

Note 1: If the person is registered as mentioned in both paragraphs (1)(a) and (b), the person is liable to pay a charge for each registration.

Note 2: Different amounts of charge might be determined in different circumstances under Part 1A of the *National Vocational Education and Training Regulator (Charges) Act 2012*, for example:

- (a) depending on the number of qualifications offered by a person liable to pay the charge; or
- (b) for registration under this Act and the *Education Services for Overseas Students Act 2000*.

See subsection 33(3A) of the *Acts Interpretation Act 1901*.

- (3) An annual National VET Regulator registration charge is due and payable on:
- (a) a date notified to the person by the National VET Regulator that is no earlier than 30 days after the date of the notification; or
 - (b) if the charge is payable by instalments—dates notified to the person by the National VET Regulator, the first of which is no earlier than 30 days after the date of the first notification.
- (4) If the person's registration as mentioned in paragraph (1)(a) or (b) ends during a financial year, the following proportion of the annual National VET Regulator registration charge payable in relation to that registration for that year is refundable to the person:

Number of whole months remaining in financial year
after the registration ends

12

- (5) This section also applies in relation to a charge taken to have been imposed on a person under section 6C of the *National Vocational Education and Training Regulator (Charges) Act 2012* (which deals with the validation of annual registration fees charged for the purposes of this Act).
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232B Recovery of charges

A charge imposed by the *National Vocational Education and Training Regulator (Charges) Act 2012* is recoverable as a debt due to the Commonwealth in:

- (a) the Federal Court; or
- (b) the Federal Circuit Court; or
- (c) a court of a State or Territory that has jurisdiction in relation to the debt.

***National Vocational Education and Training Regulator
(Transitional Provisions) Act 2011*****4 At the end of the Act**

Add:

**Schedule 3—Transitional provision relating to
the National Vocational Education and
Training Regulator Amendment
(Annual Registration Charge) Act
2017**

Note: See section 3.

1 Cancellation of registration—saving

- (1) This item applies to the amendment of subsection 39(1) of the *National Vocational Education and Training Regulator Act 2011* (the *NVETR Act*) by Schedule 1 to the *National Vocational Education and Training Regulator Amendment (Annual Registration Charge) Act 2017* (the *Amending Act*).
- (2) Despite the amendment of subsection 39(1) of the *NVETR Act* by Schedule 1 to the *Amending Act*:
 - (a) subsection 39(1) of the *NVETR Act*, as in force immediately before the commencement of Schedule 1 to the *Amending Act*, continues to apply in relation to the failure of a person to

pay an annual registration fee required for the purposes of the NVETR Act; and

- (b) to the extent that the fee could not validly be determined under an ASQA determination—that subsection (as so in force) is taken to have applied, and to continue to apply, in relation to the failure of a person to pay the fee (or a part of the fee) purportedly required for those purposes.

Note: Schedule 1 to the Amending Act commenced on 1 July 2017 (see section 2 of the Amending Act).

- (3) An **annual registration fee** is a fee in relation to a financial year, payable by a person for the purposes of the NVETR Act:
- (a) for registration under the NVETR Act as an NVR registered training organisation; or
 - (b) for registration under the *Education Services for Overseas Students Act 2000* as a registered provider.
- (4) An **ASQA determination** is a determination made before the commencement of this section under subsection 232(1) of the NVETR Act (as that subsection was in force at any time before that commencement).

Note: See the *Australian Skills Quality Authority instrument fixing fees No. 1 of 2011* and the *Australian Skills Quality Authority Instrument Fixing Fees No. 1 of 2013*.

[Minister's second reading speech made in—
House of Representatives on 30 March 2017
Senate on 20 June 2017]

(73/17)
