

EXPLANATORY STATEMENT

Australian Skills Quality Authority Instrument Fixing Fees Amendment (Annual Registration Fees) Determination 2017

Authority

The instrument is made by the Assistant Minister for Vocational Education and Skills and Parliamentary Secretary to the Minister for Education and Training under section 232 of the *National Vocational Education and Training Regulator Act 2011* (the NVETR Act).

Purpose

The primary purpose of the Australian Skills Quality Authority Instrument Fixing Fees Amendment (Annual Registration Fees) Determination 2017 (Fees Determination) is to amend the *Australian Skills Quality Authority Instrument Fixing Fees No. 1 of 2013* (ASQA Fixing Fees Instrument) to remove the determinations of the two annual registration fees, being the annual NVR registered training organisation registration fee and the annual CRICOS registration fee. The Fees Determination also provides for transitional arrangements to accommodate the removal of these determinations and omits unnecessary definitions and references to matters relating to the predecessor annual registration fees.

The Fees Determination also repeals the *Australian Skills Quality Authority instrument fixing fees No. 1 of 2011* as this instrument is no longer applied.

The annual registration fees are replaced by an annual registration charge under the National Vocational Education and Training (Charges) Determination 2013 (No. 1).

Commencement

The instrument commences on the later of:

- (a) the start of the day after this instrument is registered; and
- (b) the same time as Schedule 1 to the *National Vocational Education and Training Regulator (Charges) Amendment (Annual Registration Charge) Act 2017* commences.

The instrument does not commence if the *National Vocational Education and Training Regulator (Charges) Amendment (Annual Registration Charge) Act 2017* does not commence.

Consultation

The Department of Education and Training consulted the Skills Senior Officials Network (SSON) to seek their approval to progress the changes to the Council of Australian Government (COAG) Industry and Skills Council (CISC) for approval. CISC Ministers were consulted in May and June 2017 and unanimously agreed to the changes.

The National VET Regulator was consulted on the content of the instrument.

Regulation Impact Statement

The amendments form part of broader legislative amendments to the National Vocational Education and Training Regulator legislative framework. In that context, the Office of Best Practice Regulation (OBPR) has confirmed that a Regulation Impact Statement (RIS) is not required (OBPR reference: 21502).

Explanation of provisions

Contents

Section 1 of the instrument states the name of the instrument.

Section 2 states that the instrument commences in accordance with column 2 of the table: that is on the later of:

- (a) the start of the day after the instrument is registered; and
- (b) the same time as Schedule 1 to *the National Vocational Education and Training Regulator (Charges) Amendment (Annual Registration Charge) Act 2017* commences.

However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.

Section 3 provides that the instrument is made under the section 232 of the *National Vocational Education and Training Regulator Act 2011* (NVETR Act).

Section 4 provides that each instrument that is specified in a Schedule to the Fees Determination is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the Fees Determination has effect according to its terms.

Schedule 1 – Annual registration fees

Part 1 – Amendments

Australian Skills Quality Authority Instrument Fixing Fees No. 1 of 2013

Section 1 repeals section 3 in the ASQA Fixing Fees Instrument and substitutes a new section 3 to clarify transitional arrangements. New section 3 provides that the amendments made to the ASQA Fixing Fees Instrument by the by the Fees Determination apply in relation to the registration of an NVR registered training organisation, or a registered provider, in relation to the financial year starting on 1 July 2017 and later financial years.

Section 2 repeals the definition of “Units of competency” in section 6 of the ASQA Fixing Fees Instrument and inserts a new definition which provides that the term has the same meaning as in the NVETR Act. The note alerts the reader to the content of that definition.

Section 3 repeals the definition of “VET qualification”.

Section 4 repeals clause 1 of Schedule A (table item 1.4) in the ASQA Fixing Fees Instrument. This repeals the annual NVR registered training organisation registration fee.

Section 5 repeals clause 1 of Schedule A (table item 2.4) in the ASQA Fixing Fees Instrument. This repeals the annual CRICOS registration fee.

Section 6 repeals clause 2 of Schedule B. This clause deals with matters relating to the payment of the annual registration fee.

Section 7 repeals paragraph 5(d) of Schedule B. This paragraph deals with the waiver of annual registration fees.

Part 2 – Repeals

Section 8 repeals the Australian Skills Quality Authority instrument fixing fees No. 1 of 2011.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Summary

Section 232 of the *National Vocational Education and Training Regulator Act 2011* (NVETR Act) provides that the Minister may, by legislative instrument, determine the amounts of fees the National VET Regulator may charge for goods or services it provides in performing its functions.

The Australian Skills Quality Authority Instrument Fixing Fees Amendment (Annual Registration Fees) Determination 2017 (Fees Determination) amends the *Australian Skills Quality Authority Instrument Fixing Fees No. 1 of 2013* to remove the determinations of two annual registration fees; the annual NVR registered training organisation registration fee and the annual CRICOS registration fee. It also updates the transitional arrangements, removes unnecessary definitions and removes references to matters relating to the annual registration fees.

The Fees Determination also repeals the *Australian Skills Quality Authority instrument fixing fees No. 1 of 2011* as this instrument is no longer applied.

The annual registration fees are replaced by an annual registration charge under the National Vocational Education and Training (Charges) Determination 2013 (No. 1).

Human rights implications

The Fees Determination removes the annual registration fees under section 232 of the NVETR Act. The Fees Determination does not raise any human rights issues and is compatible with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.