



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

I, Karen Andrews, Assistant Minister for Vocational Education and Skills and Parliamentary Secretary to the Minister for Education and Training, make the following determination.

Dated 28 June 2017

Karen Andrews
Assistant Minister for Vocational Education and Skills
Parliamentary Secretary to the Minister for Education and Training

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1 Name

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

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument.	The later of: (a) the start of the day after this instrument is registered; and (b) the same time as Schedule 1 to the <i>National Vocational Education and Training Regulator (Charges) Amendment (Annual Registration Charge) Act 2017</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	1 July 2017 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under subsection 6B(1) of the *National Vocational Education and Training Regulator (Charges) Act 2012*.

Note: Section 44 (legislative instruments that are not subject to disallowance) of the *Legislation Act 2003* does not apply to an instrument made under subsection 6B(1) of the *National Vocational Education and Training Regulator (Charges) Act 2012* (see subsection 6B(3) of that Act).

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Annual registration charge

National Vocational Education and Training Regulator (Charges) Determination 2013 (No. 1)

1 Sections 3 to 6

Repeal the sections, substitute:

5 Authority

This instrument is made under the following provisions of the *National Vocational Education and Training Regulator (Charges) Act 2012*:

- (a) subsection 6B(1);
- (b) subsection 9(2);
- (c) subsection 12(2);
- (d) section 13.

6 Purposes

The purposes of this instrument are to determine the following:

- (a) an amount of National VET Regulator annual registration charge for the purposes of Part 1A of the Charges Act;
- (b) the formulas for calculating charges payable under Part 2 or 3 of the Charges Act;
- (c) the circumstances in which any of those charges may be waived in whole or in part under Part 4 of the Charges Act.

Note: Part 2 of the Charges Act imposes a charge for a compliance audit of an NVR registered training organisation's operations. Part 3 of the Charges Act imposes a charge for the investigation of a complaint about an NVR registered training organisation.

2 Section 7

Insert:

National VET Regulator annual registration charge means the charge imposed by section 6A of the Charges Act.

NVETR Act means the *National Vocational Education and Training Regulator Act 2011*.

Qualification includes:

- (a) training package qualifications and VET accredited courses and programs (including English Language Intensive Courses for Overseas Students, known as ELICOS); and
- (b) for a single qualification, any number of units of competency in relation to the qualification.

Training package means a nationally endorsed, integrated set of competency standards, assessment requirements, Australian Qualifications Framework

qualifications and credit arrangements for a specific industry, industry sector or enterprise.

Units of competency has the same meaning as in the NVETR Act.

3 Section 7 (note)

Repeal the note, substitute:

Note 1: “Units of competency” is the term used for the specification of industry knowledge and skill and the application of that knowledge and skill to the standard of performance expected in the workplace.

Note 2: An expression has the same meaning in this instrument as in the Charges Act (see section 13 of the *Legislation Act 2003*). Section 3 of the Charges Act provides that an expression used in the Charges Act has the same meaning as in the NVETR Act.

4 Before Part 2

Insert:

Part 1A—National VET Regulator annual registration charge

7A General

- (1) For the purposes of section 6B of the Charges Act, this Part determines an amount, or amounts, of National VET Regulator annual registration charge for a person.
- (2) The following amounts of National VET Regulator annual registration charge are determined for a person:
 - (a) any amount or amounts of charge determined for the person under section 7B;
 - (b) any amount or amounts of charge determined for the person under section 7C.

7B Amount determined for registration as an NVR registered training organisation

Scope

- (1) This section applies to a person if the person starts or continues to be registered during a financial year as an NVR registered training organisation, in relation to a particular registration.
- (2) If this section applies to a person in relation to 2 or more different registrations of the person as an NVR registered training organisation, this section applies in relation to each such registration.

Amount determined

- (3) An amount of National VET Regulator annual registration charge for the registration is determined for the person for the financial year in accordance with the following table (subject to subsection (5)):

Amount of charge—registration as an NVR registered training organisation		
Item	For this number of qualifications ...	the amount of charge for the financial year in relation to the registration is as follows ...
1	0 to 4 qualifications	\$1,130.
2	5 to 10 qualifications	\$3,220.
3	11 to 60 qualifications	\$6,975.
4	61 or more qualifications	\$10,730.

- (4) For the purposes of subsection (3), the number of qualifications is the number of qualifications registered in the scope of registration that applies to the registration on:
- the first day of the financial year; or
 - if the registration starts after the first day of the financial year—the first day of the first whole month after the registration starts.

If registration as an NVR registered training organisation starts during financial year

- (5) If the registration starts after the first day of a financial year, the amount of charge is the amount worked out as follows:

$$\text{Subsection (3) amount} \times \frac{\text{Number of remaining months}}{12}$$

where:

number of remaining months means the number of whole months remaining in the financial year after the start of the registration.

subsection (3) amount means the amount that would otherwise be determined for the registration for the financial year under subsection (3).

Note: If a person's registration as mentioned in subsection (1) ends during a financial year, a pro rata refund worked out on the same basis is payable to the person: see subsection 232A(4) of the NVETR Act.

7C Amount determined for registration as a registered provider if the National VET Regulator is an ESOS agency for the provider

Scope

- (1) This section applies to a person if:
- the person starts or continues to be registered during a financial year as a registered provider in relation to a particular registration; and
 - the National VET Regulator is the ESOS agency (within the meaning of the *Education Services for Overseas Students Act 2000*) for the registered provider in relation to a course (or courses) covered by that registration.

Note: A registered provider is a provider registered under Part 2 of the *Education Services for Overseas Students Act 2000* (see section 3 of the NVETR Act).

- (2) If this section applies to a person in relation to 2 or more different registrations of the person as a registered provider, this section applies in relation to each such registration.

Amount determined

- (3) An amount of National VET Regulator annual registration charge for the registration is determined for the person for the financial year in accordance with the following table (subject to subsection (5)):

Amount of charge—registration as a registered provider if the National VET Regulator is an ESOS agency for the provider		
Item	For this number of qualifications ...	the amount of charge for the financial year in relation to the registration is as follows ...
1	0 to 2 qualifications	\$950.
2	3 to 4 qualifications	\$1,645.
3	5 to 50 qualifications	\$4,375.
4	51 or more qualifications	\$7,100.

- (4) For the purposes of subsection (3), the number of qualifications is the number of courses in relation to which this section applies that are covered by the registration on:
- the first day of the financial year; or
 - if the registration starts after the first day of the financial year—the first day of the first whole month after the registration starts.

Note: This section applies in relation to a course only if the National VET Regulator is the ESOS agency for the registered provider in relation to the course (see paragraph (1)(b)).

If registration as a registered provider starts during financial year

- (5) If the registration starts after the first day of a financial year, the amount of charge is the amount worked out as follows:

$$\text{Subsection (3) amount} \times \frac{\text{Number of remaining months}}{12}$$

where:

number of remaining months means the number of whole months remaining in the financial year after the start of the registration.

subsection (3) amount means the amount that would otherwise be determined for the registration for the financial year under subsection (3).

Note: If the person's registration as mentioned in subsection (1) ends during a financial year, a pro rata refund worked out on the same basis is payable to the person: see subsection 232A(4) of the NVETR Act.

7D Waiver of National VET Regulator annual registration charge

- (1) For the purposes of paragraph 13(b) of the Charges Act, a National VET Regulator annual registration charge may be waived, in whole or in part, if, in the opinion of ASQA's Chief Commissioner:
 - (a) special or unusual circumstances exist which would cause the charge to be unreasonable or inequitable; or
 - (b) the amount of the charge that remains unpaid is so small that its recovery would be uneconomical to pursue.
- (2) However, the following circumstances do not constitute grounds for granting a waiver:
 - (a) the person liable to pay the charge is a body that has ceased to exist;
 - (b) the person liable to pay the charge stops being registered as an NVR registered training organisation, or as a registered provider;
 - (c) the person liable to pay the charge stops carrying on business as an NVR registered training organisation, or as a registered provider.

5 Part 2 (heading)

Repeal the heading, substitute:

Part 2—Compliance audit and investigation charges

6 Parts 3 and 4 (headings)

Repeal the headings.