

National Vocational Education and Training Regulator (Charges) Amendment Determination (No. 1) 2018

I, Simon Birmingham, Minister for Education and Training, make the following determination.

Dated 2 July 2018

Simon Birmingham

Minister for Education and Training

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Purpose 1

5 Amendments to the *National Vocational Education and Training Regulator (Charges) Determination 2013 (No. 1)* 1

1 Name

(1) This instrument is the *National Vocational Education and Training Regulator (Charges) Amendment Determination (No. 1) 2018*.

2 Commencement

1. This instrument commences on the later of:
2. 1 July 2018; or
3. the day after this instrument is registered on the Federal Register of Legislation.
4. If a compliance audit or complaint investigation has commenced, but is not completed, prior to commencement of this instrument, the charges specified in the *National Vocational Education and Training Regulator (Charges) Determination 2013 (No. 1)* will continue to apply until that audit or investigation is completed.

3 Authority

(1) This instrument is made under subsections 9(2) and 12(2) of the *National Vocational Education and Training Regulator (Charges) Act 2012*.

4 Purpose

1. The purposes of this instrument are to:
2. amend the *National Vocational Education and Training Regulator (Charges) Determination 2013 (No. 1)*; and
3. determine formulas for calculating the charges payable by a NVR registered training organisation under Parts 2 and 3 of the *National Vocational Education and Training Regulator (Charges) Act 2012.*

5 Amendments to the *National Vocational Education and Training Regulator (Charges) Determination 2013 (No. 1)*

1. The *National Vocational Education and Training Regulator (Charges) Determination 2013 (No. 1)* is amended as follows:
2. section 7 is amended by inserting the following definitions:

***Auditor*** means a person who conducts a compliance audit on behalf of ASQA;

***Complaint Officer*** means a person who conducts an investigation into a complaint on behalf of ASQA;

1. the heading in Part 2 is repealed and substituted with:

**Part 2-Compliance audit and complaint investigation charges**

1. section 8 is repealed and substituted with:
2. **Calculation Formulas**
3. For the purpose of subsection 9(1) of the Charges Act, a charge under Part 2 of that Act is to be calculated according to the following formula:
4. the amount of $275 per Auditor per hour to conduct a compliance audit; and
5. if any part of a compliance audit is conducted outside Australia, requiring ASQA to send an Auditor overseas, then in addition to the costs and expenses determined in accordance with paragraph 8(1)(a), the costs and expenses that ASQA:
6. would have incurred under its International Travel Policy had the Auditor been an official of ASQA; or
7. has actually incurred under its International Travel Policy because the Auditor is an official of ASQA.
8. For the purpose of subsection 12(1) of the Charges Act, where a complaint is found to have been substantiated, a charge under Part 3 of that Act is to be calculated according to the following formula:
9. the amount of $275 per Complaint Officer per hour to conduct an investigation into the complaint; and
10. the amount of $275 per Auditor per hour to conduct a compliance audit as a part of the investigation; and
11. if any part of the investigation or compliance audit is conducted outside Australia, requiring ASQA to send an Auditor or a Complaint Officer overseas, then in addition to the costs and expenses determined in accordance with paragraph 8(2)(a), the costs and expenses that ASQA:
12. would have incurred under its International Travel Policy had the Auditor or Complaint Officer been an official of ASQA; or
13. has actually incurred under its International Travel Policy because the Auditor or Complaint Officer is an official of ASQA.

(d) repeal section 10, and substitute:

1. **Auditor and Complaint Officer Charge for a part hour**
2. For the purpose of paragraphs 8(1)(a) or 8(2)(a), where an Auditor or a Complaint Officer has taken:
3. less than 30 minutes to conduct, and complete, a compliance audit or a complaint investigation, the amount of the charge is zero dollars;
4. 30 minutes or more, to conduct, and complete, a compliance audit or a complaint investigation, the amount of the charge is calculated at the rate of $68.75 for each 15 minute block of work completed.