



National Vocational Education and Training Regulator (Fees) Determination 2022

I, Brendan O'Connor, Minister for Skills and Training, make the following determination.

Dated 16 June 2022

Brendan O'Connor
Minister for Skills and Training

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	2
Part 2—Fees	3
6 Fees in relation to the registration and renewal of NVR registered training organisations.....	3
7 Fees in relation to the performance of functions as an ESOS agency	4
8 Fees in relation to the accreditation of a course as a VET accredited course	5
9 Fees in relation to applications for reconsideration of decisions.....	6
Part 3—Waiver of fees	7
10 Application of Part.....	7
11 Withdrawal of application.....	7
12 Applications to change scope and add courses.....	7
13 Special circumstances	7
14 Refund of waived fees	8
Part 4—Miscellaneous	9
15 Delegated functions	9
16 Set off of fees.....	9
Schedule 1—Repeals	10
<i>Australian Skills Quality Authority Instrument Fixing Fees Amendment Determination (No. 1) 2018</i>	10
<i>Australian Skills Quality Authority instrument fixing fees No.1 of 2013</i>	10

Part 1—Preliminary

1 Name

This instrument is the *National Vocational Education and Training Regulator (Fees) Determination 2022*.

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	1 July 2022.	1 July 2022

Note: This table relates only to the provisions of this instrument as originally made.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 section 232 of the *National Vocational Education and Training Regulator Act 2011*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 3 of the Act, including the following:

- (a) National VET Regulator;
- (b) NVR registered training organisation;
- (c) registered provider; and
- (d) VET accredited course.

In this instrument:

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

course:

- (a) in relation to an NVR registered training organisation and a VET accredited course, has the same meaning as in section 3 of the Act; and
- (b) in relation to the performance of functions by the National VET Regulator as an ESOS Agency, has the same meaning as in section 5AA of the *Education Services for Overseas Students Act 2000*.

ESOS agency has the same meaning as in the *Education Services for Overseas Students Act 2000*.

officer means a person performing duties, or exercising powers or functions, under or in relation to the Act.

provider has the same meaning as in the *Education Services for Overseas Students Act 2000*.

Part 2 fee means a fee determined in Part 2 of this instrument.

5 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.

Part 2—Fees

6 Fees in relation to the registration and renewal of NVR registered training organisations

For the purposes of subsection 232(1) of the Act, the following table sets out the amounts of fees the National VET Regulator may charge for services the Regulator provides in performing its functions to register, and renew registration of, NVR registered training organisations.

Table 1 - Fees in relation to the registration and renewal of NVR registered training organisations

Item	Fee name	Service provided	Amount
1	Initial registration application fee	Initial review and check of an application for initial registration under section 16 of the Act	\$600
2	Initial registration assessment fee	Registration assessment (initial application) under section 17 of the Act	\$8000
3	Renewal of registration application fee	Initial review and check of an application for renewal of registration under section 16 of the Act	\$320
4	Renewal of registration assessment fee	Registration assessment (renewal of application) under section 31 of the Act	\$250 per hour spent by an officer for considering the application
5	Change of scope application fee	Initial review and check of an application for change of scope of registration under Division 2 of Part 2 of the Act	\$240, subject to section 12
6	Change of scope assessment fee	Consideration and notification of decision regarding an application for change of scope of registration under subsection Division 2 of Part 2 of the Act	\$250 per hour spent by an officer for assessing the application, subject to section 12
7	Reassessment application fee	Initial review and check of a request for reassessment under subsection 41 of the Act	\$1000

Table 1 - Fees in relation to the registration and renewal of NVR registered training organisations

Item	Fee name	Service provided	Amount
8	Reassessment assessment fee	Considering a request for reassessment under subsection 41 of the Act	\$250 per hour spent by an officer for considering the application, after the first four hours only

7 Fees in relation to the performance of functions as an ESOS agency

For the purposes of section 232(1) of the Act, the following table sets out the amounts of fees the National VET Regulator may charge for services the Regulator provides in performing its functions as an ESOS agency.

Table 2 - Fees in relation to the performance of functions as an ESOS agency

Item	Fee name	Service provided	Amount
1	Initial registration application fee	Initial review and check of an application to be registered to provide a course or courses at a location or locations to overseas students under subsection 9(1) of the <i>Education Services for Overseas Students Act 2000</i>	\$600
2	Initial registration assessment fee	Assessing an application to be registered to provide a course or courses at a location or locations to overseas students under subsection 9(1) of the <i>Education Services for Overseas Students Act 2000</i>	\$8,000
3	Renewal of registration application fee	Initial review and check of an application to renew a provider's registration under subsection 10D(1) of the <i>Education Services for Overseas Students Act 2000</i>	\$320
4	Renewal of registration assessment fee	Assessing an application to renew a provider's registration under subsection 10D(1) of the <i>Education Services for Overseas Students Act 2000</i>	\$250 per hour spent by an officer for considering the

Table 2 - Fees in relation to the performance of functions as an ESOS agency

Item	Fee name	Service provided	Amount
			application
5	Application fee to add one or more courses	Initial review and check of an application to add one or more courses at one or more locations to the provider's registration under subsection 10H(1) of the <i>Education Services for Overseas Students Act 2000</i>	\$240, subject to section 12
6	Assessment fee to add one or more courses	Assessing an application to add one or more courses at one or more locations to the provider's registration under subsection 10H(1) of the <i>Education Services for Overseas Students Act 2000</i>	\$250 per hour spent by an officer for considering the application, subject to section 12

8 Fees in relation to the accreditation of a course as a VET accredited course

For the purposes of subsection 232(1) of the Act, the following table sets out the amounts of fees the National VET Regulator may charge for services the Regulator provides in performing its functions to accredit courses as VET accredited courses

Table 3 - Fees in relation to the accreditation of a course as a VET accredited course

Item	Fee name	Service provided	Amount
1	Accreditation application fee	Initial review and check of an application for accreditation of a course under section 43 of the Act	\$1,100
2	Accreditation assessment fee	Assessing an application for accreditation of a course under section 43 of the Act	\$7,750
3	Renewal of accreditation application fee	Initial review and check of an application for renewal of accreditation of a course under section 50 of the Act	\$1,100
4	Renewal of accreditation assessment fee	Assessing an application for renewal of accreditation of a course under section 50 of the Act	\$7,750

Table 3 - Fees in relation to the accreditation of a course as a VET accredited course

Item	Fee name	Service provided	Amount
5	Accreditation amendment fee	Amending an accredited course under section 51 of the Act	\$1,145

9 Fees in relation to applications for reconsideration of decisions

For the purposes of subsection 232(1) of the Act, the amount of fees the National VET Regulator may charge for applications for reconsideration of decisions under section 200 of the Act is \$1,000.

Part 3—Waiver of fees

10 Application of Part

- (1) This Part applies for the purposes of paragraph 232(5)(c) of the Act.

11 Withdrawal of application

- (1) If:
 - (a) a person makes an application to the National VET Regulator under the Act or the *Education Services for Overseas Students Act 2000*; and
 - (b) the person has paid a Part 2 fee in relation to the application; and
 - (c) the person notifies the Regulator in writing that they wish to withdraw the application before the Regulator has commenced work on the application,the Regulator must waive the fee.

12 Applications to change scope and add courses

- (1) This section applies to an NVR registered training organisation that makes an application to, at the same time:
 - (a) change their scope of registration under subsection 32(1) of the Act; and
 - (b) add one or more courses at one or more locations to their registration under subsection 10H(1) of the *Education Services for Overseas Students Act 2000*.
- (2) If the conditions in subsection (1) are satisfied, the National VET Regulator must waive:
 - (a) the application fee at Item 5 of Table 2; and
 - (b) the lesser of the assessment fees at Item 6 of Tables 1 and 2,

13 Special circumstances

- (1) The National VET Regulator may waive a Part 2 fee, in whole or in part, where the Regulator determines that:
 - (a) special or unusual circumstances exist which cause the fee to be unreasonable or inequitable; or
 - (b) it would be uneconomical to pursue the amount of the fee that remains unpaid.
- (2) The Regulator must waive a fee if:
 - (a) a person paid the fee in relation to an application under section 200 of the Act; and
 - (b) the Regulator does not consider the application because the application does not relate to a reviewable decision within the meaning of section 199 of the Act.

-
- (3) To avoid doubt, circumstances related to the COVID-19 pandemic are special or unusual circumstances which could cause the fee to be unreasonable or inequitable for the purposes of paragraph (1)(a).
 - (4) To avoid doubt, the following circumstances do not constitute special or unusual circumstances for the purposes of paragraph (1)(a):
 - (a) where the person required to pay the fee ceases to exist, or
 - (b) where the person ceases to be registered under the Act and the *Education Services for Overseas Students Act 2000*; or
 - (c) where the person ceases to carry on business as an NVR registered training organisation or as a registered provider.

14 Refund of waived fees

- (1) If a person has already paid a Part 2 fee, and the National VET Regulator waives the whole or part of the fee in accordance with this Part, the Regulator must refund the amount waived.

Part 4—Miscellaneous

15 Delegated functions

There are no fees payable in respect of goods or services provided by a delegate under subsections 224(2), 225(1) or 226(1) of the Act.

16 Set off of fees

- (1) This section applies for the purposes of paragraph 232(5)(b) of the Act.
- (2) The National VET Regulator may set off the amount of any fees or charges payable by a person to it under the Act, the *National Vocational Education and Training Regulator (Charges) Act 2012* or the *Education Services for Overseas Students Act 2000* against any amount that is payable to the person by the National VET Regulator under the Act or any other law.

Example: In July, an NVR registered training organisation pays a National VET Regulator annual registration charge amount of \$8,245 (as imposed by Part 1A of the *National Vocational Education and Training Regulator (Charges) Act 2012*).

In September, the Regulator:

- (a) conducts a compliance audit of the organisation's operations under section 35 of the Act, resulting in a charge of \$6,250 (as imposed by Part 2 of the *National Vocational Education and Training Regulator (Charges) Act 2012*; and
- (b) cancels the organisation's registration under section 39 of the Act.

Because the organisation's registration was cancelled after two months, the Regulator adjusts the amount of National VET Regulator annual registration charge payable to \$1,374, entitling the organisation to a refund of \$6,871 (\$8,245 – \$1,374).

The organisation has not yet paid the compliance audit charge of \$6,250, so the Regulator sets off this amount against the refund amount of \$6,871. This reduces the amount payable to the organisation to \$621 (\$6,871 – \$6,250).

Schedule 1—Repeals

Australian Skills Quality Authority Instrument Fixing Fees Amendment Determination (No. 1) 2018

1 The whole of the instrument

Repeal the instrument

Australian Skills Quality Authority instrument fixing fees No.1 of 2013

2 The whole of the instrument

Repeal the instrument