

2010-2011-2012

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**National Vocational Education and
Training Regulator (Charges) Bill 2012**

No. , 2012

(Tertiary Education, Skills, Science and Research)

**A Bill for an Act to impose charges in relation to
certain matters under the *National Vocational
Education and Training Regulator Act 2011*, and for
related purposes**

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1 **A Bill for an Act to impose charges in relation to**
2 **certain matters under the *National Vocational***
3 ***Education and Training Regulator Act 2011*, and for**
4 **related purposes**

5 The Parliament of Australia enacts:

6 **Part 1—Preliminary**
7

8 **1 Short title**

9 This Act may be cited as the *National Vocational Education and*
10 *Training Regulator (Charges) Act 2012*.

Part 1 Preliminary

Section 2

1 **2 Commencement**

- 2 (1) Each provision of this Act specified in column 1 of the table
3 commences, or is taken to have commenced, in accordance with
4 column 2 of the table. Any other statement in column 2 has effect
5 according to its terms.

6

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Sections 3 to 14	1 January 2013.	1 January 2013

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Note: This table relates only to the provisions of this Act as originally enacted.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.

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- (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.

13

3 Definitions

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15

An expression has the same meaning in this Act as in the *National Vocational Education and Training Regulator Act 2011*.

16

4 Act to bind Crown

17

This Act binds the Crown in each of its capacities.

18

5 Extension of Act to external Territories

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This Act extends to every external Territory.

1 **6 Extra-territorial application**

2 Unless the contrary intention appears, this Act extends to acts,
3 omissions, matters and things done outside Australia in relation to:

- 4 (a) all or part of a VET course; or
5 (b) a VET qualification.
6

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2 **Part 2—Charge for compliance audit**

3

4 **7 Charge payable**

5 If the National VET Regulator conducts a compliance audit of an
6 NVR registered training organisation's operations, a charge is
7 payable for:

- 8 (a) the costs and expenses incurred by the Regulator in
9 conducting the audit; and
10 (b) if the audit is conducted outside Australia in whole or in
11 part—any reasonable expenses incurred by the Regulator
12 relating to the audit or part of the audit.

13 **8 By whom charge payable**

14 A charge relating to an audit of an NVR registered training
15 organisation's operations is payable by the organisation.

16 **9 Amount and calculation of charge**

- 17 (1) The amount of a charge under this Part is to be calculated
18 according to a formula determined by the Minister by legislative
19 instrument.
20 (2) The Minister must, by legislative instrument, determine the
21 formula for calculating a charge payable under this Part.
22

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2 **Part 3—Charge for the investigation of a complaint**
3 **about an NVR registered training**
4 **organisation**
5

6 **10 Charge payable**

7 If the National VET Regulator investigates a complaint about an
8 NVR registered training organisation and finds the complaint
9 substantiated, a charge is payable for:

10 (a) the costs and expenses incurred by the Regulator in
11 conducting:

12 (i) the investigation; and

13 (ii) any compliance audit conducted as part of the
14 investigation; and

15 (b) if the investigation is conducted outside Australia in whole or
16 in part—any reasonable expenses incurred by the Regulator
17 relating to the investigation or part of the investigation; and

18 (c) if the audit is conducted outside Australia in whole or in
19 part—any reasonable expenses incurred by the Regulator
20 relating to the audit or part of the audit.

21 **11 By whom charge payable**

22 A charge relating to a complaint about an NVR registered training
23 organisation is payable by the organisation.

24 **12 Amount and calculation of charge**

25 (1) The amount of a charge under this Part is to be calculated
26 according to a formula determined by the Minister by legislative
27 instrument.

28 (2) The Minister must, by legislative instrument, determine the
29 formula for calculating a charge payable under this Part.
30

1

2 **Part 4—Miscellaneous**
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4 **13 Circumstances in which charge may be paid in instalments or**
5 **waived**

6 The Minister may, by legislative instrument, determine the
7 circumstances in which the National VET Regulator may, on
8 behalf of the Commonwealth:

- 9 (a) allow a charge payable under this Act to be paid in
10 instalments; or
11 (b) waive a charge that would otherwise be payable under this
12 Act, in whole or in part.

13 **14 Regulations**

- 14 The Governor-General may make regulations prescribing matters:
15 (a) required or permitted by this Act to be prescribed; or
16 (b) necessary or convenient to be prescribed for carrying out or
17 giving effect to this Act.