National Vocational Education and Training Regulator (Charges) Act 2012

No. 105, 2012

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

Note: An electronic version of this Act is available in ComLaw (http://www.comlaw.gov.au/)

Contents

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

[*Assented to 22 July 2012*]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

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

2 Commencement

(1) Each provision of this Act 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**
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.	22 July 2012
2. Sections 3 to 14	1 January 2013.	1 January 2013

Note: This table relates only to the provisions of this Act as originally enacted.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

(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.

3 Definitions

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

4 Act to bind Crown

This Act binds the Crown in each of its capacities.

5 Extension of Act to external Territories

This Act extends to every external Territory.

6 Extra-territorial application

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

(a) all or part of a VET course; or

(b) a VET qualification.

Part 2—Charge for compliance audit

7 Charge payable

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

(a) the costs and expenses incurred by the Regulator in conducting the audit; and

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

8 By whom charge payable

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

9 Amount and calculation of charge

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

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

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

10 Charge payable

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

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

   (i) the investigation; and

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

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

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

11 By whom charge payable

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

12 Amount and calculation of charge

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

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

Part 4—Miscellaneous

13 Circumstances in which charge may be paid in instalments or waived

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

(a) allow a charge payable under this Act to be paid in instalments; or

(b) waive a charge that would otherwise be payable under this Act, in whole or in part.

14 Regulations

The Governor-General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[*Minister's second reading speech made in—*
House of Representatives on 22 March 2012
Senate on 18 June 2012]

(37/12)