



# **ASQA Authorised Officer Requirements 2012**

made under subsection 89(2A) of the

*National Vocational Education and Training Regulator Act 2011*

## **Compilation No. 1**

**Compilation date:** 5 June 2021

**Includes amendments up to:** ASQA Authorised Officer Requirements Amendment  
(Governance and Other Matters) Determination 2021  
[F2021L00695]

Prepared by the Department of Education, Skills and Employment, Canberra

## About this compilation

### This compilation

This is a compilation of the *ASQA Authorised Officer Requirements 2012* that shows the text of the law as amended and in force on 5 June 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

# Commonwealth of Australia

## *National Vocational Education and Training Regulator Act 2011*

### ASQA AUTHORISED OFFICER REQUIREMENTS

#### PART 1 PRELIMINARY

##### 1 Name of Instrument

This legislative instrument is the *ASQA Authorised Officer Requirements 2012*.

##### 3 Purpose and Application

This legislative instrument is made under subsection 89(2A) of the Act.

The purpose of this Instrument is to determine the experience, training and qualification requirements for persons to be appointed as authorised officers pursuant to subsection 89(1) of the Act.

#### PART 2 TERMS USED IN THIS INSTRUMENT

##### 4 Definitions

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

- (a) Australian Qualifications Framework;
- (b) authorised officer;
- (c) National VET Regulator.

In this instrument:

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

*ASQA* means the Australian Skills Quality Authority.

*Australian Skills Quality Authority* has the meaning given by section 173 of the Act.

## **PART 3 AUTHORISED OFFICER REQUIREMENTS**

### **5 Matters the National VET Regulator must have regard to**

- (1) A person will be taken to have satisfied the experience, training and qualification requirements, for a person performing the role of an authorised officer under the Act, if the National VET Regulator is satisfied that the person meets the criteria set out in any, or all, of items 6 and 7 of this instrument.

### **6 Assessment of Experience**

- (1) A person satisfies the experience requirements for appointment as an authorised officer if the person is able to demonstrate previous experience in working in an investigative or statutory compliance role, for a length of time deemed acceptable by the National VET Regulator.
- (2) For the purpose of this item 6, when assessing whether a person satisfies the experience requirements for appointment as an authorised officer, the National VET Regulator must be satisfied that the person has demonstrated experience that is relevant to performing their functions as an authorised officer under the Act, in any, or all, of the following areas:
  - a) evidence gathering;
  - b) data validation and analysis;
  - c) compliance with legislation;
  - d) exercising regulatory power;
  - e) fraud detection;
  - f) planning and conducting investigations;
  - g) risk assessment and risk management;
  - h) conducting search and seizure of evidential material;
  - i) conducting and recording interviews;
  - j) preparing evidence briefs and statements;
  - k) workplace communication strategies;
  - l) ethical conduct;
  - m) workplace safety; and
  - n) principles and ethos of public service.
- (3) Notwithstanding subitems 6(1) and 6(2) where a person can demonstrate they possess a Certificate IV in Government (Investigations) or equivalent the person is taken to have satisfied the experience requirements for appointment as an authorised officer.

### **7 Training and Qualification Requirements**

- (1) A person satisfies the training and qualification requirements for appointment as an authorised officer if:
  - (a) the person has successfully completed Certificate IV in Government (Investigation) or its equivalent, as set out in the Public Services Training Package (PSP04) or its replacement; or

(b) the National VET Regulator is satisfied that the person:

- (i) meets the experience requirements of item 6; and
- (ii) the person is appointed on the condition they enrol and complete a Certificate IV in Government (Investigations) or its equivalent within twelve months of their appointment as an authorised officer.

## **Endnotes**

### **Endnote 1—About the endnotes**

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### **Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

### **Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### **Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

### Endnote 3—Legislation history

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
ASQA Authorised Officer Requirements	22 November 2012 (F2012L02326)	23 November 2012	-
ASQA Authorised Officer Requirements Amendment (Governance and Other Matters) Determination 2021	4 June 2021 (F2021L00695)	5 June 2021	-



## Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 2	rep LA s 48D
s 4	rs 2021 (F2021L00695)
s 5	am 2021 (F2021L00695)
s 6	am 2021 (F2021L00695)
s 7	am 2021 (F2021L00695)

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