



National Vocational Education and Training Regulator (Charges) Determination 2012 (No. 1)

I, Chris Evans, Minister for Tertiary Education, Skills, Science and Research, make this legislative instrument under subsections 9(2) and 12(2) of the *National Vocational Education and Training Regulator (Charges) Act 2012*.

Dated 17th December 2012

CHRIS EVANS
Minister for Tertiary Education, Skills, Science and Research

Commonwealth of Australia

National Vocational Education and Training Regulator (Charges) Act 2012

NATIONAL VOCATIONAL EDUCATION AND TRAINING REGULATOR
(CHARGES) DETERMINATION 2012 (No. 1)

PART 1 PRELIMINARY

1 Name of Instrument

This legislative instrument is the *National Vocational Education and Training Regulator (Charges) Determination 2012 (No. 1)*.

2 Commencement

This legislative instrument will come into effect from 1 January 2013.

3 Purpose and Application

This legislative instrument is made under subsections 9(2) and 12(2) of the Charges Act.

The purpose of this instrument is to determine the formula for calculating a charge payable under Part 2 and Part 3 of the Charges Act.

This instrument will apply to compliance audits commenced on or after 1 January 2013

This instrument will apply to complaints received by ASQA on or after 1 January 2013.

4 Definitions

In this instrument:

ASQA means the National VET Regulator established under subsection 155(1) of the *National Vocational Education and Training Regulator Act 2011* and specified under section 5 of the *National Vocational Education and Training Regulator Regulations 2011* to be known as the Australian Skills Quality Authority.

Charges Act means the *National Vocational Education and Training Regulator (Charges) Act 2012*.

ASQA official travel costs means

- i. reasonably incurred airfares; and
- ii. such other travel expenses which may reasonably be incurred, including but not limited to accommodation, car rental and meals.

Note: Unless contrary intention appears, an expression has the same meaning in this legislative instrument as in the *National Vocational Education and Training Regulator (Charges) Act 2012*.

PART 2 CALCULATION FORMULAS

5 Calculation Formulas

- (1) 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:
 - a. the costs and expenses incurred by ASQA in conducting a compliance audit - \$150 per hour capped at \$5,000; plus
 - b. if an audit is conducted outside Australia in whole or in part, and commenced on or after 1 January 2014, any additional expenses reasonably incurred by ASQA relating to the audit or part of the audit.

- (2) For the purpose of subsection 12(1) of the Charges Act, a charge under Part 3 of that Act is to be calculated according to the following formula:
 - a. the costs and expenses incurred by ASQA in conducting:
 - i. an investigation into any substantiated complaint - \$150 per hour capped at \$3,000, plus ASQA official travel costs; or
 - ii. a compliance audit - \$150 per hour capped at \$5,000, plus ASQA official travel costs; plus
 - b. if an investigation or compliance audit is conducted outside Australia in whole or in part, and commenced on or after 1 January 2014, any additional expenses reasonably incurred by ASQA relating to the investigation or audit or part of the investigation or audit.