

Commonwealth of Australia

Tertiary Education Quality and Standards Agency Act 2011

Determination of Fees No. 3 of 2013

I, Carol Nicoll, Chief Commissioner of the Tertiary Education Quality and Standards Agency:

- (i) revoke the Determination of Fees No. 2 of 2013, made on 17 July 2013 under subsection 158(1) of the *Tertiary Education Quality and Standards Agency Act 2011* (the Act);
- (ii) under subsection 158(1) of the Act, determine the fees that TEQSA may charge for things done in the performance of its functions to be the fees specified in the attached Schedule A; and
- (iii) under paragraph 158(3)(c) of the Act, determine the circumstances in which fees may be waived, as specified in the Attached Schedule B.

This legislative instrument commences on 1 January 2014.

Dated: this 16th day of December 2013

Signed

CAROL NICOLL
Chief Commissioner
Tertiary Education Quality and Standards Agency

Interpretation

In this determination:

Act means the *Tertiary Education Quality and Standards Agency Act 2011*.

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students which is maintained under the *Education Services for Overseas Students Act 2000*

ELICOS has the same meaning as it has in the *Education Services for Overseas Students Act 2000*

Foundation Program has the same meaning as it has in the *Education Services for Overseas Students Act 2000*

Higher education award has the same meaning as it has in the Act.

Higher education provider has the same meaning as it has in the Act.

Higher education provider with self-accrediting authority means a higher education provider authorised to self-accredit one or more courses of study under a Commonwealth, State or Territory Law.

Registered higher education provider has the same meaning as it has in the Act.

Regulated higher education award has the same meaning as it has in the Act.

Teaching period in relation to a course of study means the period(s) of time into which the course of study is divided by a provider for teaching purposes, for example a semester or a trimester.

Tertiary Education Quality and Standards Agency or **TEQSA** has the same meaning given at section 5 of the Act.

Schedule A – Fees

Fees payable for the performance of TEQSA’s functions

For subsection 158(1) of the Act, the fee for an activity mentioned in an item in the following table is the amount mentioned in the third column for that item.

Item	Activity for which the fee is imposed	Amount of the fee
1	<p>Preliminary Assessment of Application for registration as a higher education provider – s 19 of the Act</p> <p>Where the application is for registration in one of the following provider categories:</p> <ul style="list-style-type: none">• Australian University;• Overseas University;• Australian University College;• Australian University of Specialisation; and• Overseas University of Specialisation.	\$25,000
2	<p>Preliminary Assessment of Application for registration as a higher education provider – s 19 of the Act</p> <p>Where the application is for registration in the Higher Education Provider category</p>	\$5,500
3	<p>Substantive Assessment of Application for registration as a higher education provider – s 20 of the Act</p> <p>Where the application is assessed by TEQSA, pursuant to paragraph 19(1)(a) of the Act, as appropriate for one of the following provider categories:</p> <ul style="list-style-type: none">• Australian University;• Overseas University;• Australian University College;• Australian University of Specialisation; and• Overseas University of Specialisation.	\$60,000

4	<p>Substantive Assessment of Application for registration as a higher education provider – s 20 of the Act</p> <p>Where the application is not one to which Item 7 applies</p>	\$16,500
5	<p>Renewal of Registration Application – s 35 of the Act</p> <p>Where the application is to renew registration for one of the following provider categories:</p> <ul style="list-style-type: none"> • Australian University; • Overseas University; • Australian University College; • Australian University of Specialisation; and • Overseas University of Specialisation. 	<p>Where an application to renew registration is made at the same time as an application under s 38 of the Act to change the Provider Category in which the provider is registered, no fee is payable for the application to renew registration.</p> <p>In all other cases, the fee is \$75,000</p>
6	<p>Renewal of Registration Application – s 35 of the Act</p> <p>Where the application is to renew registration for the Higher Education Provider category</p>	<p>Where an application to renew registration is made at the same time as an application under s 38 of the Act to change the Provider Category in which the provider is registered, no fee is payable for the application to renew registration.</p> <p>In all other cases, the fee is \$20,000</p>
7	<p>Application for change of Provider Category in which a provider is registered to one of the following Provider Categories:</p> <ul style="list-style-type: none"> • Australian University; • Overseas University; • Australian University College; • Australian University of Specialisation; • Overseas University of Specialisation. <p>(s 38 of the Act)</p>	\$85,000
8	<p>Application to TEQSA as a designated authority for a recommendation that an approved provider be registered to provide a course at a location - s 9AA of the <i>Education Services for Overseas Students Act</i></p>	<p>(a) Application for the purposes of registration of an approved provider under section 9AB to provide a course of study to overseas students, or for renewal of the provider's registration. - \$5,000</p> <p>(b) Application for the purposes of adding a course of study under section 9AG to a provider's registration on CRICOS – No fee is payable</p>

9	Application to self-accredit one or more courses of study – s 41 of the Act	<p>(a) Where the application is by a provider registered in the higher education provider category:</p> <ul style="list-style-type: none"> • For an application by a provider with no existing authority under the Act to self accredit a course or group of courses of study – the fee is \$22,000. • For an application by a provider which is authorised under the TEQSA Act to self accredit one or more courses of study – the fee is \$10,000 <p>(b) Where the application is by a provider registered in one of the following categories:</p> <ul style="list-style-type: none"> • Overseas University; • Australian University College; • Australian University of Specialisation; • Overseas University of Specialisation. <p>- No fee is payable</p>
10	Preliminary Assessment of Application for accreditation of a course of study – s 47 of the Act	<p>Where an application is for accreditation of a single course of study, \$2,000.</p> <p>Where an application is for accreditation of more than one course of study, or where more than one application to accredit a course of study is submitted at the same time, the fee is \$2,000 for the first course of study and \$1,400 for each additional course of study.</p>
11	Substantive Assessment of Application for accreditation of a course of study – s 48 of the Act	<p>Where an application is for accreditation of a single course of study, \$7,000.</p> <p>Where an application is for accreditation of more than one course of study, or where more than one application to accredit a course of study is submitted at the same time, the fee is \$7,000 for the first course of study and \$4,900 for each additional course of study.</p>

12	Application for renewal of Accreditation for a course of study – s 55	<p>(a) \$1,000 for each application for renewal of accreditation of a course of study on the basis that:</p> <ul style="list-style-type: none"> (i) No new enrolments will be permitted in the course, and (ii) The course will cease to be provided to students within 24 months of the date on which the provider’s current accreditation for the course is to end, and (iii) The provider has not previously applied for renewal of the accreditation of the course of study on this basis. <p>(b) Otherwise:</p> <ul style="list-style-type: none"> (i) Where an application is for renewal of accreditation of a single course of study, \$8,000. (ii) Where an application is for renewal of accreditation of more than one course of study, or where more than one application to renew accreditation of a course of study is submitted at the same time, the fee is \$8,000 for the first course of study and \$5,600 for each additional course of study.
13	Application to vary or revoke a Condition of registration or accreditation – s 32(3) or s 52(3)	<p>For the first two conditions included in an application - \$2,500 for each condition</p> <p>For each condition in addition to the first two conditions which are included in an application - \$1,500 for each condition</p>
14	Applications for TEQSA, as a designated authority, to approve proposed changes to arrangements with other providers or to the maximum number of students that a provider can enrol – paragraphs 10.4 and 12 of PartC of the <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i>	\$2,500 for each application to approve one or more changes
15	Application for internal review of a decision made by delegates of TEQSA - s184	\$1,000 for each application to review one or more decisions

Schedule B – Circumstances in which fees may be waived

Waiver of fees

- (1) Under paragraph 158(3)(c) of the Act, TEQSA may decide to waive all or part of the fees payable in Schedule A of this instrument in the following circumstances:
 - (a) when a person or body, including a body politic or a body corporate (the first provider) was registered under one or more State or Territory laws relating to higher education, and the responsibility for offering or conferring one or more higher education awards of the first provider has been transferred to another person or body (the second provider) within 12 months after 29 January 2012, all or part of the following fees may be waived in relation to the second provider:
 - (i) the fees for a preliminary and substantive assessment of an application for registration;
 - (ii) the fees for preliminary and substantive assessments of any applications for course accreditation provided with the application for registration.
 - (b) when an applicant was registered under one or more State or Territory laws relating to higher education immediately prior to 29 January 2012 but did not offer or confer a regulated higher education award immediately prior to that date, all or part of the following fees may be waived:
 - (i) the fees for a preliminary and substantive assessment of an application for registration;
 - (ii) the fees for preliminary and substantive assessments for any applications for course accreditation made with the application for registration;
 - (iii) where the applicant's registration under a state or territory law included the authority to self-accredit one or more courses of study, the fee for an application to self-accredit one of more courses of study.
 - (c) where an application is for renewal of accreditation of a course of study on the basis that:
 - (i) No new enrolments will be permitted in the course from the date on which the provider's current accreditation for the course is to end, and

- (ii) The provider ceases to provide the course at the conclusion of the first teaching period that commences after the date on which the provider's current accreditation for the course is to end.

All or part of the fee for renewal of accreditation of the course may be waived.

- (d) when the responsibility for offering or conferring one or more higher education awards has been transferred from one person or body, including a body politic or a body corporate (the first provider) to another person or body (the second provider) and the first provider is, or has been within one month prior to the date on which the second provider applies to TEQSA for registration as a higher education provider, a registered higher education provider, then TEQSA may waive all or part of the following fees in relation to the second provider:
 - (i) the fees for a preliminary and substantive assessment of an application for registration;
 - (ii) the fees for preliminary and substantive assessments of any applications for course accreditation provided with the application for registration;
 - (iii) the fee for an application for the purposes of registration of an approved provider under section 9AB of the *Education Services for Overseas Students Act 2000* to provide a course of study to overseas students.