

Tertiary Education Quality and Standards Agency Amendment (Cost Recovery) Act 2021

No. 80, 2021

An Act to amend the *Tertiary Education Quality and Standards Agency Act 2011*, and for related purposes

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An Act to amend the *Tertiary Education Quality and Standards Agency Act 2011*, and for related purposes

[*Assented to 13 August 2021*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Tertiary Education Quality and Standards Agency Amendment (Cost Recovery) Act 2021*.

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 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The later of:  (a) the start of the day after this Act receives the Royal Assent; and  (b) the commencement of the *Tertiary Education Quality and Standards Agency (Charges) Act 2021*.  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. | 1 January 2022 (paragraph (b) applies) |

Note: This table relates only to the provisions of this Act as originally enacted.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

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Registered higher education provider charge

Tertiary Education Quality and Standards Agency Act 2011

1 Section 5

Insert:

***registered higher education provider charge*** means charge imposed by the *Tertiary Education Quality and Standards Agency (Charges) Act 2021*.

2 After section 26B

Insert:

26C Condition—registered higher education provider charge must be paid

(1) A registered higher education provider must pay the following when they are due and payable by the provider:

(a) registered higher education provider charge;

(b) any penalty for late payment of registered higher education provider charge.

Note: Registered higher education provider charge is imposed by the *Tertiary Education Quality and Standards Agency (Charges) Act 2021*.

(2) The Registered Higher Education Provider Charge Guidelines may make provision for, or in relation to, all or any of the following matters:

(a) the issue of notices setting out the amount of registered higher education provider charge payable by a provider;

(b) when registered higher education provider charge is due and payable;

(c) the issue of notices extending the time for payment of registered higher education provider charge;

(d) penalties for late payment of registered higher education provider charge;

(e) to whom registered higher education provider charge and any penalties for late payment are payable;

(f) the refund, remission or waiver of registered higher education provider charge or penalties for late payment;

(g) the review of decisions made under the Registered Higher Education Provider Charge Guidelines in relation to the collection or recovery of registered higher education provider charge;

(h) any other matters relating to the collection or recovery of registered higher education provider charge.

(3) If regulations under the *Tertiary Education Quality and Standards Agency (Charges) Act 2021* provide for the amount of registered higher education provider charge for a year for a registered higher education provider to be equal to the sum of one or more components, then a reference in this section to registered higher education provider charge includes a reference to the amount of such a component.

3 Section 204 (before table item 1)

Insert:

|  |  |  |
| --- | --- | --- |
| 1A | Registered Higher Education Provider Charge Guidelines | section 26C |

[*Minister’s second reading speech made in—*

*House of Representatives on 13 May 2021*

*Senate on 15 June 2021*]

(168/19)