



# **Tertiary Education Quality and Standards Agency (Charges) Act 2021**

**No. 81, 2021**

## **Compilation No. 1**

|                                   |                  |
|-----------------------------------|------------------|
| <b>Compilation date:</b>          | 1 January 2022   |
| <b>Includes amendments up to:</b> | Act No. 87, 2021 |
| <b>Registered:</b>                | 4 January 2022   |

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Tertiary Education Quality and Standards Agency (Charges) Act 2021* that shows the text of the law as amended and in force on 1 January 2022 (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.

### Editorial changes

For more information about any editorial changes made in this compilation, see 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Contents

|                                      |   |   |
|--------------------------------------|---|---|
| 1                                    | Short title.....  | 1 |
| 2                                    | Commencement.....   | 1 |
| 3                                    | Crown to be bound .....   | 1 |
| 4                                    | Act does not impose tax on property of a State .....              | 1 |
| 5                                    | Definitions.....  | 2 |
| 6                                    | Imposition of registered higher education provider charge .....   | 2 |
| 7                                    | Amount of registered higher education provider charge.....        | 2 |
| 8                                    | Exemptions from registered higher education provider charge ..... | 3 |
| 9                                    | Regulations.....  | 3 |
| <b>Endnotes</b>                      |   | 4 |
| <b>Endnote 1—About the endnotes</b>  |   | 4 |
| <b>Endnote 2—Abbreviation key</b>    |   | 6 |
| <b>Endnote 3—Legislation history</b> |   | 7 |
| <b>Endnote 4—Amendment history</b>   |   | 8 |



# An Act to impose registered higher education provider charge, and for related purposes

## 1 Short title

This Act is the *Tertiary Education Quality and Standards Agency (Charges) 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 | 1 January 2022. | 1 January 2022 |

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 Crown to be bound

This Act binds the Crown in each of its capacities.

## 4 Act does not impose tax on property of a State

- (1) This Act does not impose a tax on property of any kind belonging to a State.

- (2) ***Property of any kind belonging to a State*** has the same meaning as in section 114 of the Constitution.

## 5 Definitions

In this Act:

***property of any kind belonging to a State***: see subsection 4(2).

***registered higher education provider*** has the same meaning as in the *Tertiary Education Quality and Standards Agency Act 2011*.

***registered higher education provider charge*** means charge imposed by section 6.

***TEQSA*** means the Tertiary Education Quality and Standards Agency.

***year*** means calendar year.

## 6 Imposition of registered higher education provider charge

A charge is imposed by this section on a body, for a year starting on or after the commencement of this section, if the body is a registered higher education provider at the start of the year.

## 7 Amount of registered higher education provider charge

- (1) The amount of registered higher education provider charge for a year for a registered higher education provider is the amount (including a nil amount):
- prescribed by the regulations for that year; or
  - worked out for that year in accordance with a method prescribed by the regulations.
- (2) Without limiting paragraph (1)(b), the regulations may 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 such components as are prescribed by the regulations.

- (3) Before the Governor-General makes regulations for the purposes of subsection (1), the Minister must be satisfied that the effect of those regulations will be to recover no more than the Commonwealth's likely costs in connection with TEQSA's performance of its functions under a Commonwealth law.

Note: TEQSA's functions are set out in section 134 of the *Tertiary Education Quality and Standards Agency Act 2011*. Those functions include functions under other Commonwealth laws such as the *Education Services for Overseas Students Act 2000*.

- (4) For the purposes of subsection (3), disregard any costs that are likely to be offset by fees determined by TEQSA under section 158 of the *Tertiary Education Quality and Standards Agency Act 2011*.
- (5) The regulations may provide for indexation of amounts specified in the regulations.

## **8 Exemptions from registered higher education provider charge**

The regulations may provide for exemptions from registered higher education provider charge.

## **9 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.

## Endnotes

### Endnote 1—About the endnotes

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## 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.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### 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



Endnote 1—About the endnotes

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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.

## Endnotes

### Endnote 2—Abbreviation key

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#### 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)<br>/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)  | reloc = relocated  |
| ed = editorial change  | renum = renumbered   |
| exp = expires/expired or ceases/ceased to have<br>effect           | rep = repealed   |
| F = Federal Register of Legislation                                | rs = repealed and substituted  |
| gaz = gazette  | s = section(s)/subsection(s)   |
| LA = <i>Legislation Act 2003</i>                                   | Sch = Schedule(s)  |
| LIA = <i>Legislative Instruments Act 2003</i>                      | Sdiv = Subdivision(s)  |
| (md) = misdescribed amendment can be given<br>effect               | SLI = Select Legislative Instrument                                    |
| (md not incorp) = misdescribed amendment<br>cannot be given effect | SR = Statutory Rules   |
| mod = modified/modification  | Sub-Ch = Sub-Chapter(s)  |
| No. = Number(s)  | SubPt = Subpart(s)   |
|  | <u>underlining</u> = whole or part not<br>commenced or to be commenced |

## Endnote 3—Legislation history

## Endnote 3—Legislation history

| <b>Act</b>  | <b>Number<br/>and year</b> | <b>Assent</b>  | <b>Commencement</b>           | <b>Application,<br/>saving and<br/>transitional<br/>provisions</b> |
|---|----------------------------|----------------|-------------------------------|--|
| Tertiary Education<br>Quality and Standards<br>Agency (Charges) Act<br>2021           | 81, 2021                   | 13 Aug<br>2021 | 1 Jan 2022 (s 2(1)<br>item 1) |  |
| Tertiary Education<br>Quality and Standards<br>Agency (Charges)<br>Amendment Act 2021 | 87, 2021                   | 27 Aug<br>2021 | 1 Jan 2022 (s 2(1)<br>item 1) | —  |

**Endnotes**

Endnote 4—Amendment history

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**Endnote 4—Amendment history**

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| <b>Provision affected</b> | <b>How affected</b> |
|---------------------------|---------------------|
| s 7 .....                 | am No 87, 2021      |

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