



Tertiary Education Quality and Standards Agency (Charges) Act 2021

No. 81, 2021

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

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Tertiary Education Quality and Standards Agency (Charges) Act 2021

No. 81, 2021

An Act to impose registered higher education provider charge, 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 (Charges) Act 2021*.

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Section 2

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Note: This table relates only to the provisions of this Act as originally enacted.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):
 - (a) prescribed by the regulations for that year; or
 - (b) 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:

Section 8

- (a) fees determined by TEQSA under section 158 of the *Tertiary Education Quality and Standards Agency Act 2011*; or
 - (b) an annual registration charge or entry to market charge imposed under the *Education Services for Overseas Students (Registration Charges) Act 1997*.
- (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.

*[Minister's second reading speech made in—
House of Representatives on 24 June 2021
Senate on 10 August 2021]*

(167/19)
