



Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020

made under subsection 158(1) of the *Tertiary Education Quality and Standards Agency Act 2011*

Compilation No. 02

Compilation date: 1 January 2023

Includes amendments up to: Tertiary Education Quality and Standards
Agency Determination of Fees (Amendment)
2022

Prepared by Tertiary Education Quality and Standards Agency

About this compilation

This compilation

This is a compilation of the *Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020* that shows the text of the law as amended and in force on 1 January 2023 (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). 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.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Part 1 – Preliminary

1 Name of Determination

This Determination is the Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020.

3 Authority

This determination is made under sections 159(1) and 158(3) of the Tertiary Education Quality and Standards Agency Act 2011

4 Interpretation

In this Determination:

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

Core Standards means the following Standards, as set out in Part A of the Threshold Standards:

- (a) 5.1.2 (about Course Approval and Accreditation);
- (b) 5.2.1, 5.2.2, 5.2.3 and 5.2.4 (about Academic and Research Integrity);
- (c) 5.3.7 (about Monitoring, Review and Improvement);
- (d) 6.1.3 and 6.1.4 (about Corporate Governance);
- (e) 6.2.1 (about Corporate Monitoring and Accountability); and
- (f) 6.3 (about Academic governance).

ELICOS means English Language Intensive Course for Overseas Students.

ESOS Act means the *Education Services for Overseas Students Act 2000*.

ESOS Agency has the same meaning as it has in the ESOS Act.

Foundation Program means a course to which the instrument made under section 176C of the ESOS Act applies.

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.

nested set of courses means a set of courses consisting of one primary course and one or more related courses of study.

primary course of study means the course of study from which all of the subjects or units comprising a *related course of study* are taken.

prospective provider means a regulated entity which is not a registered higher education provider.

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

Regulated entity has the same meaning as it has in the Act.

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

related course of study means a course of study comprised entirely of subjects or units taken from another course of study offered by the same registered higher education provider (the *primary course of study*).

Teach out, in relation to an application for renewal of accreditation, refers to a course in which students are no longer allowed to enrol or commence.

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

Threshold Standards has the same meaning as it has in the Act.

Schedule A – Fees

Fees payable for the performance of TEQSA’s functions

(1) 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
Registration		
1	Preliminary assessment of application for registration as a higher education provider – s 19 of the Act	\$12,900
2	Substantive assessment of application for registration as a higher education provider – s 20 of the Act	\$100,600
3	Renewal of registration application – s 35 of the Act Where the higher education provider is not also applying for self-accreditation	Where the approved form for the application requires the applicant to address provisions of the Threshold Standards other than the Core Standards: \$102,100 Otherwise: \$60,000
4	Renewal of registration application combined with application for self-accreditation – ss 35 and 41 of the Act Where the higher education provider applies for renewal of registration and for authority to self-accredit one or more courses of study at the same time	Where the approved form for the application requires the applicant to address provisions of the Threshold Standards other than the Core Standards: \$116,400 Otherwise: \$80,200.
5	Application for change of higher education provider category - s 38 of the Act	\$49,300
6	Application to TEQSA as an ESOS Agency for registration to provide a course or courses at a location or locations to overseas students – s 9 of the ESOS Act	\$22,200
7	Application to TEQSA as an ESOS Agency for renewal of registration – s 10D of the ESOS Act	Where the higher education provider has self-accrediting authority, \$12,200 Where the higher education provider does not have self-accrediting authority, \$24,900
8	Application to TEQSA as an ESOS Agency to add one or more courses at one or more additional locations to a higher education provider’s registration – s 10H of the ESOS Act	For each location for which the higher education provider is not registered at the time of the

		<p>application: \$11,700 per location</p> <p>For each course for which the higher education provider is not registered at any location at the time of the application:</p> <ol style="list-style-type: none"> 1. \$4,300 per ELICOS 2. \$4,400 per Foundation Program 3. In all other cases, \$400 per course
Course accreditation		
9	<p>Application for authority to self-accredit one or more courses of study</p> <p>(where the higher education provider has not applied for renewal of registration at the same time) – s 41 of the Act</p>	<p>For an application by a higher education provider with no existing authority under the Act to self-accredit a course or group of courses of study – the fee is \$49,300.</p> <p>For an application by a higher education provider which is authorised under the TEQSA Act to self-accredit one or more courses of study – the fee is \$38,800</p>
10	<p>Preliminary assessment of application by a prospective provider for accreditation of a course of study (other than an undergraduate certificate) – s 47 of the Act</p>	<p>\$5,200 per course</p> <p>* where a prospective provider has an equivalent full-time student load of 5000 or less, the table set out in section 2 of Schedule B applies</p>
11	<p>Substantive assessment of application by a prospective provider for accreditation of a course of study (other than an undergraduate certificate) – s 48 of the Act</p>	<p>Where an application is for accreditation of a single course of study or multiple courses of study that do not form a nested set of courses, \$39,500 per course.</p> <p>Where an application is for accreditation of a nested set of courses, the fee is \$39,500 for the primary course of study and \$35,700 for each related course of study.</p> <p>* where a prospective provider has an equivalent full-time student load of 5000 or less, the table set out in section 2 of Schedule B applies</p>
12	<p>Preliminary assessment of application by a registered higher education provider for accreditation of a course</p>	<p>Where an application is for</p>

	of study (other than an undergraduate certificate) – s 47 of the Act	<p>accreditation of a single course of study or multiple courses of study that do not form a nested set of courses, \$4,600 per course.</p> <p>Where an application is for accreditation of a nested set of courses, the fee is \$4,600 for the primary course of study and \$1,200 for each related course of study.</p> <p>* where a higher education provider has an equivalent full-time student load of 5000 or less, the table set out in section 2 of Schedule B applies</p>
13	Substantive assessment of application by a registered higher education provider for accreditation of a course of study (other than an undergraduate certificate) – s 48 of the Act	<p>Where an application is for accreditation of a single course of study or multiple courses of study that do not form a nested set of courses, \$17,000 per course.</p> <p>Where an application is for accreditation of a nested set of courses, the fee is \$17,000 for the primary course of study and \$4,200 for each related course of study.</p> <p>* where a higher education provider has an equivalent full-time student load of 5000 or less, the table set out in section 2 of Schedule B applies</p>
14	Preliminary assessment of application for accreditation of an undergraduate certificate – s 47 of the Act	\$300 per course
15	Substantive assessment of application for accreditation of an undergraduate certificate – s 48 of the Act	\$1,100 per course
16	Application for renewal of accreditation for a course of study (other than an undergraduate certificate or an application made on the basis of teach out) – s 55 of the Act	<p>Where an application is for renewal of accreditation of a single course of study or multiple courses of study that do not form a nested set of courses, \$21,700 per course.</p> <p>Where an application is for accreditation of a nested set of courses, the fee is \$21,700 for the primary course of study and \$5,200 for each related course of study.</p>

		* where a higher education provider has an equivalent full-time student load of 5000 or less, the table set out in section 2 of Schedule B applies
17	Application for renewal of accreditation for teach out course of study (other than an undergraduate certificate) – s 55 of the Act	<p>Where an application is for accreditation of a single course of study or multiple courses of study that do not form a nested set of courses, \$2,800 per course.</p> <p>Where an application is for accreditation of a nested set of courses, the fee is \$2,800 for the primary course of study and \$800 for each related course of study.</p> <p>* where a higher education provider has an equivalent full-time student load of 5000 or less, the table set out in section 2 of Schedule B applies</p>
18	Application for renewal of accreditation for an undergraduate certificate – s 55 of the Act	\$1,100 per course
Conditions		
19	Application to vary or revoke a condition of registration or accreditation – s 32(3) or s 53(3) of the Act	<p>For an application made under subsection 32(3) in relation to a condition imposed on a higher education provider's registration - \$8,300 per condition</p> <p>For an application made under subsection 53(3) in relation to a condition imposed on the accreditation of a course - \$5,700 per condition</p>
Review of decisions		
20	Application for internal review of a decision made by a delegate of TEQSA – s 184 of the Act and s 169AD of the ESOS Act	\$1,000

Schedule B - Other matters relating to the payment of fees

Part 1 – application provision – fees for substantive assessments

1 Fees for substantive assessments

- (1) Subject to subsection (2), where, prior to 1 January 2023, a regulated entity makes an application under section 18 or section 46 of the Act, the relevant fee under section 20 or section 48 of the Act respectively for the substantive assessment of the application will be the fee payable under the *Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020* as it applied prior to the commencement of this instrument.
- (2) Where prior to 1 January 2023, an application is made under section 46 of the Act in relation to an undergraduate certificate and, the fee for the substantive assessment of the application has not been paid prior to 1 January 2023, the relevant fee under section 48 of the Act for the substantive assessment of the application will be the fee set out in item 15 of the table in Schedule A.

Part 2 – Course Accreditation Discounts

2 Discounts based on provider's equivalent full-time student load

- (1) Where, on or after 1 January 2023
 - (a) a provider makes an application to have a course of study accredited, or to have the accreditation of a course of study renewed; and
 - (b) the provider's equivalent full-time student load is less than 5,000 students,

the following discounts to the fees set out in items 10, 11, 12, 13, 16 and 17 of the table in Schedule A apply in relation to the application:

Provider's equivalent full-time student load	Percentage discount
Between 0 and 500	Seventy percent reduction
Between 500 and 1,000	Sixty percent reduction
Between 1,000 and 1,500	Fifty percent reduction
Between 1,500 and 2,000	Forty percent reduction
Between 2,000 and 3,000	Thirty percent reduction
Between 3,000 and 4,000	Twenty percent reduction
Between 4,000 and 5,000	Ten percent reduction

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- (2) In this section
- (a) **full-time study load**, for a student undertaking a course of study with a registered higher education provider for a year, means:
- (i) if section 169-28 of the *Higher Education Support Act 2003* applies to the provider in respect of the course—an amount of study, undertaken as part of that course in that year, that is represented by units of study that have a total EFTSL value (within the meaning of that Act) of 1; or
- (ii) if paragraph (a) does not apply—an amount of study, undertaken as part of that course in that year, that is the equivalent of the minimum amount of study that a student undertaking that course on a full-time basis would be expected to undertake in that year.
- (b) **Provider's equivalent full-time student load** means the total number of students enrolled, on an equivalent full-time basis, in each accredited course provided by the provider in the year that is 2 years before the year in which the application for accreditation or the renewal of accreditation is made.
- (3) In working out, for the purposes of the above table, the number of students enrolled on an equivalent full-time basis in an accredited course in a year:
- (a) count a student that has a full-time study load for the course and the year as 1 student; and
- (b) count any other student as a fraction that represents the student's amount of study undertaken as part of the course and the year relative to a student that does have a full-time study load for the course and the year.

Example: A full-time student is enrolled in 8 units of study as part of a course for a year and is counted as 1 student. A part-time student is enrolled in 4 units of study as part of that course and is counted as half of 1 student. Another student is enrolled in 10 units of study as part of that course and is counted as 1 and a quarter of 1 student.

Part 3 – Waiver and refund of fees

3 Waiver of fees – undergraduate certificate decision not made prior to withdrawal

- (1) TEQSA may waive part of the fee set out in items 15 and 18 of the table in Schedule A, where the application for accreditation or the renewal of accreditation is withdrawn before a decision regarding the application is made.
- (2) If TEQSA determines to waive part of a fee under subsection (1), TEQSA must waive \$300 from the fee that is otherwise payable.

4 Waiver of fees - general

TEQSA may waive all or part of the fees payable in Schedule A of this instrument in the following circumstances:

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- (a) 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.

- (b) 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 registration under section 9 of the *ESOS Act* to provide a course at a location to overseas students.

5 Waiver of fees – special or unusual circumstances

- (1) TEQSA may waive any of the following fees that would otherwise be payable under this instrument, in whole or in part where, in TEQSA's opinion, special or unusual circumstances exist which would cause the fee to be unreasonable or inequitable:
- (a) in all cases – a fee under items 3 – 5, 7 – 9 and 16 – 20 of the table at section (1) of Schedule A;
 - (b) a fee under items 1, 2, 12 – 15 of the table at section (1) of Schedule A, where the fee relates to an application by a registered higher education provider.
- (2) In deciding whether to exercise its discretion under subsection 5(1), TEQSA must have regard the objective of recovering the costs associated with TEQSA's regulatory effort in the assessment of applications.

6 Refund of fees – special or unusual circumstances

- (1) TEQSA may refund all or part of any of the following fees, in whole or in part where subsection (3) applies and, in TEQSA's opinion, special or unusual circumstances exist that cause the fee to be unreasonable or inequitable:
 - (a) a fee under items 3 – 5, 7 – 9 and 16 – 20 of the table at section (1) of Schedule A;
 - (b) a fee under items 1, 2, 12 – 15 of the table at section (1) of Schedule A, where the fee relates to an application by a registered higher education provider.
- (2) In deciding whether to exercise its discretion under subsection 5(1), TEQSA must have regard to the objective of recovering the costs associated with TEQSA's regulatory effort the assessment of applications.
- (3) This subsection applies to a fee which was paid to TEQSA on or after 1 January 2020.

Part 4 – Merits review

7 Merits review

A decision under section 3, 4, 5 or 6 of this Schedule is a reviewable decision for the purposes of this Part.

8 Internal review

- (1) Where a reviewable decision is made by a delegate of TEQSA, a person affected by the decision may make an application for internal review of the decision.
- (2) An application for internal review pursuant to this section must:
 - (a) be made within 30 days after the applicant is informed of the decision, or within such longer period as TEQSA allows;
 - (b) set out the reasons for the application.
- (3) Upon receiving an application for internal review, TEQSA must review the reviewable decision.
- (4) TEQSA may:
 - (a) affirm, vary or revoke the reviewable decision;
 - (b) if TEQSA revokes the decision, make such other decision as TEQSA thinks appropriate.
- (5) TEQSA must, within 30 days of making its decision on review, notify the applicant, in writing, of:
 - (a) the decision; and

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- (b) the reasons for decision.
- (6) TEQSA must make its decision on the review of a reviewable decision within 90 days after receiving the application for review.
- (7) TEQSA is taken, for the purposes of this section, to have made a decision under paragraph 8(4)(a) affirming the reviewable decision if it does not make a decision within the period in subsection (6).

9 Review by the Administrative Appeals Tribunal

An application may be made to the Administrative Appeals Tribunal for review of:

- (a) a reviewable decision if the decision was not made by a delegate of TEQSA;
- (b) a decision of TEQSA under subsection 8(4).

Endnotes

Endnote 1—About the endnotes

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.

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 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.

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

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020	4 May 2020 F2020L00549	5 May 2020	n/a
Tertiary Education Quality and Standards Agency Determination of Fees (Amendment) 2020	4 August 2020 F2020L00985	5 August 2020	n/a
Tertiary Education Quality and Standards Agency Determination of Fees (Amendment) 2022	23 November 2022 F2022L01498	1 January 2023	Sch 1 (item 9)

Endnote 4—Amendment history

Provision affected	How affected
Part 1 - Preliminary	
s 2	rep LA s 48D
s 4 ‘Core Standards means...’	ad F2022L01498
s 4 ‘ELICOS means...’	ad F2022L01498
s 4 ‘ESOS Agency means...’	ad F2022L01498
s 4 ‘Foundation Program...’	ad F2022L01498
s 4 ‘nested set of courses...’	ad F2022L01498
s 4 ‘primary course of study ...’	ad F2022L01498
s 4 ‘prospective provider...’	ad F2022L01498
s 4 ‘regulated entity has...’	ad F2022L01498
s 4 ‘related course of study...’	ad F2022L01498
s 4 ‘Teach out, in relation...’	ad F2022L01498
s 4 ‘teaching period in ...’	rep F2022L01498
s 4 ‘Threshold Standards...’	ad F2022L01498
Schedule A	
Section (1), Table, item 4	am F2020L00985
Section (1), Table	rs F2022L01498
Schedule B	
	rs F2020L00985
Pt 1 heading	rs F2022L01498
s 1	rs F2022L01498
Pt 2 heading	rs F2022L01498
s 2	rs F2022L01498
Pt 3 heading	ad F2022L01498
s 3	rs F2022L01498
s 4	rs F2022L01498
s 5	rs F2022L01498
s 6	ad F2022L01498
Pt 4 heading	ad F2022L01498
s 7	rs F2022L01498
s 8	renum F2022L01498
s 8(7)	rs F2022L01498
s 9	ad F2022L01498