



# **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. 01**

**Compilation date:** 5 August 2020

**Includes amendments up to:** Tertiary Education Quality and Standards  
Agency Determination of Fees (Amendment)  
2020

Prepared by Tertiary Education Quality and Standards Agency

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## About this compilation

### This compilation

This is a compilation of the *Tertiary Education Quality and Standards Agency Act Determination of Fees No.1 of 2020* that shows the text of the law as amended and in force on 06/08/2020 (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.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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In this Determination:

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

*ESOS Act* means 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.

*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.

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## 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
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"><li>• Australian University;</li><li>• Overseas University;</li><li>• Australian University College;</li><li>• Australian University of Specialisation;</li></ul> <p>and</p> <ul style="list-style-type: none"><li>• Overseas University of Specialisation.</li></ul>	\$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"><li>• Australian University;</li><li>• Overseas University;</li><li>• Australian University College;</li><li>• Australian University of Specialisation;</li></ul> <p>and</p> <ul style="list-style-type: none"><li>• Overseas University of Specialisation.</li></ul>	\$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 3 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"> <li>• Australian University;</li> <li>• Overseas University;</li> <li>• Australian University College;</li> <li>• Australian University of Specialisation;</li> <li>and</li> <li>• Overseas University of Specialisation.</li> </ul>	<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"> <li>• Australian University;</li> <li>• Overseas University;</li> <li>• Australian University College;</li> <li>• Australian University of Specialisation;</li> <li>and</li> <li>• Overseas University of Specialisation.</li> </ul> <p>(s 38 of the Act)</p>	\$85,000
8	<p>Application to TEQSA as an ESOS Agency for registration or for renewal of registration to provide a course or courses at a location or locations to overseas students - ss 9 and 10D of the Education Services for Overseas Students Act.</p>	\$5,000
9	<p>Application to self-accredit one or more courses of study – s 41 of the Act</p>	<p>(a) Where the application is by a provider registered in the higher education provider category:</p> <p><input type="checkbox"/> For an application by a provider with no existing authority under the</p>

		<p>Act to self accredit a course or group of courses of study – the fee is \$22,000.</p> <p><input type="checkbox"/> 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> <p>(b) Where the application is by a provider registered in one of the following categories:</p> <p>Overseas University;  Australian University College;  Australian University of Specialisation;  Overseas University of Specialisation.</p> <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> <p>(i) No new enrolments will be permitted in the course, and</p> <p>(ii) The course will cease to be provided to students within 24 months of the date on which the provider’s current accreditation for</p>

		<p>the course is to end, and</p> <p>(iii) The provider has not previously applied for renewal of the accreditation of the course of study on this basis.</p> <p>(b) Otherwise:</p> <p>(i) Where an application is for renewal of accreditation of a single course of study, \$8,000.</p> <p>(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.</p>
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	Application for internal review of a decision made by delegates of TEQSA - s184	\$1,000 for each application to review one or more decisions

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## **Schedule B - Other matters relating to the payment of fees**

### **Part 1 – Waiver and refund of fees**

#### **1 Waiver of fees - general**

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

- (a) 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 or more courses of study.
  
- (b) 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.

- (c) when the responsibility for offering or conferring one or more higher education awards has been transferred from one person or body, including a



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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.

## **2 Waiver of fees – special or unusual circumstances**

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 5, 6, 7, 9, 12, 13 or 14 of the table at section (1) of Schedule A;
- (b) a fee under item 8 of the table at section (1) of Schedule A, where the fee relates to an application under section 10D of the *Education Services for Overseas Students Act 2000*;
- (c) a fee under items 1, 3, 10 or 11 of the table at section (1) of Schedule A, where the fee relates to an application by a registered higher education provider.

## **3 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 (2) 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 5, 6, 7, 9, 12, 13 or 14 of the table at section (1) of Schedule A;
- (b) a fee under item 8 of the table at section (1) of Schedule A, where the fee relates to an application under section 10D of the *Education Services for Overseas Students Act 2000*;
- (c) a fee under items 1, 3, 10 or 11 of the table at section (1) of Schedule A, where the fee relates to an application by a registered higher education provider.

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(2) This subsection applies to a fee which was paid to TEQSA on or after 1 January 2020.

#### **4 Interpretation of “special or unusual circumstances”**

To avoid doubt, circumstances related to the COVID-19 pandemic are special or unusual circumstances which could cause a fee to be unreasonable or inequitable for the purposes of sections 2 and 3.

### **Part 2 – Merits review**

#### **5 Merits review**

A decision under section 1, 2 or 3 of this Schedule is a reviewable decision for the purposes of this Part.

#### **6 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
  - (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 6(4)(a) affirming the reviewable decision if it does not make a decision within the period in subsection (6).

#### **7 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 6(4).

## 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.

## 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) /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

## Endnote 3—Legislation history

## Endnote 3—Legislation history

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
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

## 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>
<b>Schedule A</b>	
Sch A, Section (1), Table, item 4	am F2020L00985
<b>Schedule B</b>	
	rs F2020L00985

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