



Tertiary Education Quality and Standards Agency (Charges) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 24 November 2022

David Hurley
Governor-General

By His Excellency's Command

Jason Clare
Minister for Education

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1 Name

This instrument is the *Tertiary Education Quality and Standards Agency (Charges) Regulations 2022*.

2 Commencement

- (1) Each provision of this instrument 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 instrument	The day after this instrument is registered.	26 November 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Tertiary Education Quality and Standards Agency (Charges) Act 2021*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) registered higher education provider;
- (b) registered higher education provider charge;
- (c) year (which is defined to mean a calendar year).

In this instrument:

accredited course has the same meaning as in the TEQSA Act.

Act means the *Tertiary Education Quality and Standards Agency (Charges) Act 2021*.

base component of the charge: see subsection 5(2) and section 6.

civil penalty provision has the same meaning as in the *Regulatory Powers (Standard Provisions) Act 2014*.

compliance component of the charge: see subsection 5(4).

compliance undertaking means an undertaking (other than an undertaking that is enforceable under Part 6 of the *Regulatory Powers (Standard Provisions) Act*

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2014) given by a provider to TEQSA, and accepted by TEQSA in writing, to comply with:

- (a) the ESOS Act; or
- (b) the TEQSA Act; or
- (c) a legislative instrument made under the ESOS Act or the TEQSA Act.

Example: For paragraph (c), the Threshold Standards is a legislative instrument made under the TEQSA Act.

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

full-time study load, for a student undertaking a course of study with a registered higher education provider for a year, means:

- (a) 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
- (b) 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.

investigation means an investigation involving the exercise of investigative powers under Part 3 of the *Regulatory Powers (Standard Provisions) Act 2014*, in its application under:

- (a) Division 4 of Part 7 of the ESOS Act; or
- (b) Division 4 of Part 7 of the TEQSA Act.

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

5 Amount of charge

- (1) For the purposes of paragraph 7(1)(b) of the Act, the amount of registered higher education provider charge for the year commencing on 1 January 2022 and each later year for a registered higher education provider is the sum of:
 - (a) the base component of the charge; and
 - (b) the compliance component of the charge (if any).

Note: For the base component of the charge for 2022, 2023 and 2024, see section 6.

Base component of charge

- (2) The **base component of the charge** for a year (the **relevant year**) is worked out in accordance with the formula:

$$\frac{5,304,000}{\text{Number of providers}} + \left(\frac{206,000}{\text{Total equivalent full-time students}} \times \frac{\text{Provider's equivalent full-time students}}{\text{full-time students}} \right)$$

where:

number of providers means the number of registered higher education providers at the start of the relevant year.

provider's equivalent full-time students means the total number of students enrolled, on an equivalent full-time basis, in each accredited course that was, in the year that is 2 years before the relevant year, provided by the provider.

total equivalent full-time students means the total number of students enrolled, on an equivalent full-time basis, in each accredited course that was, in the year that is 2 years before the relevant year, provided by each entity that, at that time, was a registered higher education provider.

- (3) In working out, for the purposes of subsection (2), 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.

Compliance component of charge

- (4) The ***compliance component of the charge*** for a year is the sum of the following:
- (a) if, in the previous year, TEQSA decided to commence one or more assessments under section 59 of the TEQSA Act to assess whether the provider continued to meet the Threshold Standards (within the meaning of that Act)—\$36,000 for each assessment;
 - (b) if, in the previous year, TEQSA decided to commence one or more assessments under section 61 of the TEQSA Act in respect of an accredited course in relation to the provider—\$36,000 for each assessment;
 - (c) if:
 - (i) at any time in the previous year, the provider's registration had one or more conditions; and
 - (ii) the conditions were imposed by TEQSA under subsection 10B(1) or 83(3) of the ESOS Act or subsection 32(1) of the TEQSA Act (whether or not they were imposed in that year);
—\$8,375 for each condition;
 - (d) if:
 - (i) at any time in the previous year, the accreditation of a course of study in relation to the provider had one or more conditions; and
 - (ii) the conditions were imposed by TEQSA under subsection 53(1) of the TEQSA Act (whether or not they were imposed in that year);
—\$3,350 for each condition;
 - (e) if, at any time in the previous year, one or more compliance undertakings were in force—\$1,675 for each undertaking;
 - (f) if, at any time in the previous year, TEQSA conducted an investigation in relation to a matter that constitutes, or may constitute, a contravention of an offence provision or a civil penalty provision by the provider (whether or

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not the investigation is continuing)—\$165 for each hour spent in conducting the investigation in that year by:

- (i) members of the staff of TEQSA mentioned in section 156 of the TEQSA Act; and
 - (ii) subject to subsection (5), staff made available to TEQSA mentioned in section 157 of the TEQSA Act.
- (5) Subparagraph (4)(f)(ii) applies in relation to the services of an officer or employee of a State or Territory authority only if an arrangement mentioned in subsection 157(2) of the TEQSA Act provides for the Commonwealth to reimburse the State or Territory with respect to those services.

6 Transitional provision—base component of charge in 2022, 2023 and 2024

Despite subsection 5(2), the *base component of the charge* is:

- (a) for 2022—0%; and
 - (b) for 2023—20%; and
 - (c) for 2024—50%;
- of the amount worked out in accordance with the formula in that subsection.

7 Application provision—compliance component of charge

- (1) Paragraphs 5(4)(a) and (b) apply in relation to an assessment commenced on or after 1 January 2023.
- (2) Paragraphs 5(4)(c) and (d) apply in relation to a condition in force on or after 1 January 2023, whether or not the condition was first imposed before that date.
- (3) Paragraph 5(4)(e) applies in relation to a compliance undertaking in force on or after 1 January 2023, whether or not the undertaking was accepted before that date.
- (4) Paragraph 5(4)(f) applies in relation to an investigation commenced on or after 1 January 2023.