



National Consumer Credit Protection (Fees) Regulations 2010

Select Legislative Instrument 2010 No. 43

made under the

National Consumer Credit Protection (Fees) Act 2009

This compilation was prepared on 1 July 2010
taking into account amendments up to SLI 2010 No. 138

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1 Name of Regulations [see Note 1]

These Regulations are the *National Consumer Credit Protection (Fees) Regulations 2010*.

2 Commencement [see Note 1]

These Regulations commence on the commencement of item 2 of the table in subsection 2 (1) of the *National Consumer Credit Protection (Fees) Act 2009*.

3 Definitions

In these Regulations:

Act means the *National Consumer Credit Protection (Fees) Act 2009*.

National Credit Act means the *National Consumer Credit Protection Act 2009*.

National Credit Regulations means the *National Consumer Credit Protection Regulations 2010*.

registered person has the meaning given by subsection 4 (1) of the Transitional Act.

sole trader means:

- (a) a natural person; or
- (b) a person (other than a natural person) that has only 1 representative that engages in credit activities on its behalf.

Transitional Act means the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009*.

Transitional Regulations means the *National Consumer Credit Protection (Transitional and Consequential Provisions) Regulations 2010*.

4 Prescribed fees — chargeable matters in Schedule 1

Application

- (1A) Subregulations (1) to (4) apply on and after 1 July 2010.

Fees

- (1) For sections 5 and 6 of the Act, and subject to subregulations (3) and (4), the fee for a chargeable matter mentioned in an item in Table 1 in Part 1 of Schedule 1 is the fee worked out in accordance with the item for:
- (a) the matter; and
 - (b) the way in which the matter is lodged.
- (2) For sections 5 and 6 of the Act, and subject to subregulations (3) and (4), the fee for a chargeable matter mentioned in an item in Part 2 of Schedule 1 is the fee specified in the item for:
- (a) the matter; and
 - (b) the way in which the matter is lodged.

Alteration of fees

- (3) In a circumstance mentioned in an item in Part 3 of Schedule 1, the fee worked out in accordance with Part 1 or 2 of Schedule 1 is altered as required by the item.

Indexation

- (4) In the financial year starting on 1 July 2011, or a subsequent 1 July, the fee for a chargeable matter is to be indexed in accordance with regulation 6 and rounded (if necessary) in accordance with regulation 7.

5 Prescribed fees — chargeable matters in Schedule 2

Application

- (1A) Subregulations (1) to (3) apply on and after 1 July 2010.

- (1) For sections 5 and 6 of the Act, and subject to subregulations (2) and (3), the fee for a matter mentioned in an item in Schedule 2 is the fee specified in the item.
- (2) Subregulation (1) does not apply if:
 - (a) the inspection or inquiry is made by or on behalf of an agency (within the meaning given by section 5 of the *Financial Management and Accountability Act 1997*); or
 - (b) the inspection or inquiry is made by or on behalf of a Commonwealth authority (within the meaning given by section 7 of the *Commonwealth Authorities and Companies Act 1997*); or
 - (c) the inspection or inquiry is made by or on behalf of a Commonwealth company (within the meaning given by section 34 of the *Commonwealth Authorities and Companies Act 1997*); or
 - (d) the inspection or inquiry is made by a holder of a licence for a commercial broadcasting or television station; or
 - (e) the inspection or inquiry is made by the proprietor or publisher of a newspaper that is generally available to the public otherwise than by subscription; or
 - (f) the inspection or inquiry is of a credit register that ASIC has made available under subsection 214 (2) of the National Credit Act.

Indexation

- (3) In the financial year starting on 1 July 2011, or a subsequent 1 July, the fee for a chargeable matter is to be indexed in accordance with regulation 6 and rounded (if necessary) in accordance with regulation 7.

6 Indexation of fees

- (1) In the financial year starting on 1 July 2011, or a subsequent 1 July, if the latest CPI number is greater than the earlier CPI number, the fee for a chargeable matter mentioned in an item in Schedule 1 or 2 is the amount worked out using the formula:

$$\frac{\text{previous indexable amount} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

Note The amount may then need to be rounded in accordance with regulation 7.

- (2) In the financial year starting on 1 July 2011, or a subsequent 1 July, if the latest CPI number is not greater than the earlier CPI number, the fee for a chargeable matter mentioned in an item in Schedule 1 or 2 is the amount of the fee for the chargeable matter that would have been applicable immediately before that 1 July.
- (3) For this regulation:
 - (a) if the Australian Statistician publishes a CPI number for a March quarter in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later CPI number must be disregarded; and
 - (b) if the Australian Statistician changes the reference base for the Consumer Price Index, then, after the change is made, regard must be had only to the CPI numbers published using the new reference base.

- (4) In this regulation:

CPI number means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

earlier CPI number is the CPI number for the March quarter 2 financial years before the relevant financial year begins.

latest CPI number is the CPI number for the last March quarter before the relevant financial year begins.

previous indexable amount is the amount of the fee for a chargeable matter mentioned in an item in:

- (a) Part 1 or 2 of Schedule 1 (including any alteration in accordance with regulation 6); or
- (b) Schedule 2 (including any alteration in accordance with regulation 6);

that was applicable immediately before the relevant 1 July.

7 Rounding of fees

- (1) If an amount:
 - (a) has been worked out using Part 1 of Schedule 1 (including any alteration in accordance with Part 3 of Schedule 1 or regulation 6); and
 - (b) does not end in a whole dollar; and
 - (c) is more than \$1 000 and less than \$30 000;
the amount is to be rounded to the nearest whole dollar (rounding up an amount of 50 cents).
- (2) If an amount:
 - (a) has been worked out using Part 2 of Schedule 1 (including any alteration in accordance with Part 3 of Schedule 1 or regulation 6); and
 - (b) does not end in a whole dollar;
the amount is to be rounded to the nearest whole dollar (rounding up an amount of 50 cents).
- (3) If an amount:
 - (a) has been worked out using Schedule 2 (including any alteration in accordance with regulation 6); and
 - (b) does not end in a whole dollar;
the amount is to be rounded to the nearest whole dollar (rounding up an amount of 50 cents).

Schedule 1 Fees for chargeable matters (regulation 4)

Part 1 Fees worked out using method

Table 1

Item	Chargeable matter	Method
1.1	Lodgment of: (a) an application to be licensed under subsection 36 (1) of the National Credit Act; or (b) an annual compliance certificate under subsection 53 (1) of the National Credit Act	The fee is the amount in Table 2 that is specified for the sum of: (a) the total amount of credit advanced by the applicant in the preceding financial year; and (b) the total amount of credit assigned to the applicant in the preceding financial year; and (c) the total value of credit in applications submitted by the applicant to: (i) credit providers; and (ii) credit intermediaries; in the preceding financial year which have resulted in a loan being made; and (d) the total amount of rent payable by consumers under consumer leases entered into by the applicant in the preceding financial year; and (e) the total amount of rent payable by consumers under consumer leases submitted by the applicant to lessors in the preceding financial year which have resulted in a consumer lease being made

Table 2

Item	If the sum is ...	the fee is ...
<i>For a sole trader</i>		
1A.1	no more than \$99 999 999	\$450
1A.2	more than \$99 999 999 but no more than \$199 999 999	\$1 000
1A.2A	more than \$199 999 999	the fee that would apply to the sum if any of items 1A.4 to 1A.9 applied
<i>For an applicant other than a sole trader</i>		
1A.3	no more than \$199 999 999	\$1 000
1A.4	more than \$199 999 999 but no more than \$599 999 999	\$4 000
1A.5	more than \$599 999 999 but no more than \$999 999 999	\$8 000
1A.6	more than \$999 999 999 but no more than \$1 399 999 999	\$12 000
1A.7	more than \$1 399 999 999 but no more than \$1 799 999 999	\$16 000
1A.8	more than \$1 799 999 999 but no more than \$2 099 999 999	\$20 000
1A.9	more than \$2 099 999 999	\$21 000

Part 2 Specified fees

Item	Chargeable matter	Fee
<i>Chargeable matters under the National Consumer Credit Protection Act 2009</i>		
2.1	Lodgment of information or an audit report under subsection 37 (4) of the National Credit Act	no fee
2.2	Lodgment of a notice to a licensee to provide a statement under subsection 49 (1) of the National Credit Act	no fee

Item	Chargeable matter	Fee
2.3	Lodgment of an application to have conditions imposed, varied or revoked under paragraph 45 (2) (b) of the National Credit Act	\$100
2.4	Lodgment of information under subsection 50 (1) of the National Credit Act	no fee
2.5	Lodgment of a person's credit books, or giving ASIC other information, under subsection 51 (4) of the National Credit Act	no fee
2.6	Lodgment under paragraph 54 (1) (a) of the National Credit Act	no fee
2.7	Lodgment of a notice of an authorisation, or a notice of a change to, or revocation of, an authorisation, under section 71 of the National Credit Act	no fee
2.8	Lodgment of an application for the variation or cancellation of a banning order under paragraph 83 (2) (b) of the National Credit Act	\$100
2.9	Lodgment of a trust account statement and trust account audit report under subsections 100 (1) and (2) of the National Credit Act	\$100
2.10	Lodgment of an application for relief under section 109 of the National Credit Act	\$100
2.11	Lodgment of an application for relief under section 163 of the National Credit Act	\$100
2.12	Application for an extension of time under subsection 37 (5), 49 (5), 53 (1), 101 (3), 220 (2) or 265 (5) of the National Credit Act	no fee
<i>Chargeable matters under Schedule 1 to the National Credit Act (the National Credit Code)</i>		
2.13	Lodgment of an application for relief under subsection 6 (14) of Schedule 1 to the National Credit Act (the National Credit Code)	\$100
2.14	Lodgment of an application for relief under subsection 6 (17) of Schedule 1 to the National Credit Act (the National Credit Code)	\$100

Item	Chargeable matter	Fee
<i>Chargeable matters under the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i>		
2.15	Lodgment of an application to be registered under subitem 11 (1) of Schedule 2 to the Transitional Act	no fee
2.16	Lodgment of an application to have conditions imposed, varied or revoked under paragraph 14 (2) (b) of Schedule 2 to the Transitional Act	\$100
2.17	Lodgment of a statement under subitem 17 (1) of Schedule 2 to the Transitional Act	no fee
2.18	Lodgment of information under subitem 18 (1) of Schedule 2 to the Transitional Act	no fee
2.19	Lodgment of an application to suspend or cancel registration under paragraph 23 (1) (a) of Schedule 2 to the Transitional Act	no fee
2.20	Lodgment of an application for relief under item 41 of Schedule 2 to the Transitional Act	\$100
<i>Chargeable matters under the National Consumer Credit Protection Regulations 2010</i>		
2.21	Lodgment of particulars of a change under subregulation 9 (2) of the National Credit Regulations	no fee
2.22	Lodgment of particulars of a change under subregulation 9 (3) of the National Credit Regulations	no fee
2.23	Lodgment of particulars of a change in control of a licensee under subregulation 9 (10) of the National Credit Regulations	no fee
2.23A	Lodgment of particulars of a change in a matter under subregulation 9A (2) of the National Credit Regulations	no fee
2.23B	Notification of an address under paragraph 29 (6) (a) of the National Credit Regulations	no fee
2.23C	Notification of a change of address under paragraph 29 (6) (b) of the National Credit Regulations	no fee
2.23D	Notification of an address under paragraph 30A (3) (a) of the National Credit Regulations	no fee
2.23E	Notification of a change of address under paragraph 30A (3) (b) of the National Credit Regulations	no fee
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Item	Chargeable matter	Fee
2.23F	Notification of particulars of an appointment under section 75 of the Act as modified in accordance with Schedule 2 to the National Credit Regulations	no fee
2.23G	Notification of particulars of an appointment under section 76 of the Act as modified in accordance with Schedule 2 to the National Credit Regulations	no fee
<i>Chargeable matters under the National Consumer Credit Protection (Transitional and Consequential Provisions) Regulations 2010</i>		
2.23H	Lodgment of particulars of a change under subregulation 10 (2) of the Transitional Regulations	no fee
2.23I	Lodgment of particulars of a change under subregulation 10 (3) of the Transitional Regulations	no fee
2.23J	Lodgment of particulars of a change in control under subregulation 10 (10) of the Transitional Regulations	no fee
2.23K	Lodgment or provision of information under a provision of the Transitional Regulations that relates to carried over instruments	no fee
<i>Other chargeable matters</i>		
2.24	Production by ASIC, under a subpoena, of: <ul style="list-style-type: none"> (a) a register mentioned in the definition of chargeable matter in subsection 4 (1) of the Act; or (b) a document mentioned in that definition 	\$100
2.25	Lodgment of a document, notice or application under the National Credit Act or Transitional Act that is not mentioned in the other items in this Part or in Schedule 2	\$100

Part 3 Alteration of fees in Part 1 or 2

Item	Circumstance	Altered fee
3.1	The person is: (a) lodging an application to be licensed under subsection 36 (1) of the National Credit Act; and (b) an ADI mentioned in section 38 of the National Credit Act	The fee worked out in accordance with Part 1 is decreased by 10%
3.2	The person is: (a) lodging an application to be licensed under subsection 36 (1) of the National Credit Act; and (b) using a streamlined process under section 39 of that Act; and (c) not an ADI mentioned in section 38 of the National Credit Act	The fee worked out in accordance with Part 1 and altered under this Part (if necessary) is decreased by 10%
3.3	The chargeable matter is the lodgment of a document otherwise than electronically	The fee worked out in accordance with Part 1 and altered under this Part (if necessary) is increased by 25% The fee specified in Part 2 and altered under this Part (if necessary) is increased by \$25
3.4	The chargeable matter is the lodgment of a document, and: (a) the document must be lodged within a particular period; and (b) the document is not lodged within the period; and (c) the document is lodged within 1 calendar month after the specified period	The fee worked out in accordance with Part 1, or specified in Part 2, and altered under this Part (if necessary) is increased by \$67

Item	Circumstance	Altered fee
3.5	The chargeable matter is the lodgment of a document, and: (a) the document must be lodged within a particular period; and (b) the document is not lodged within the period; and (c) the document is lodged 1 calendar month or more after the specified period	The fee worked out in accordance with Part 1, or specified in Part 2, and altered under this Part (if necessary) is increased by \$278
3.6	If more than 1 item in this Part applies to the person, the items are to be applied in the order of item 3.1, 3.2, 3.3, 3.4 and 3.5	

Schedule 2 Fees for other chargeable matters

(subregulation 5 (1))

Item	Matter	Fee
1	<p>The making available by ASIC, under subsection 214 (1) of the National Credit Act, of an extract of particulars in relation to:</p> <ul style="list-style-type: none"> (a) a licensee; or (b) a credit representative; or (c) a registered person <p>If the extract includes particulars in relation to more than 1 licensee, credit representative or registered person, a separate fee is applicable for each licensee, credit representative or registered person</p>	\$10
2	Inspection of a document register, or a document, under section 219 of the National Credit Act	\$25
3	<p>Inspection of a document:</p> <ul style="list-style-type: none"> (a) which has been lodged with ASIC; and (b) which will be included in a document register under section 219 of the National Credit Act; and (c) in relation to which ASIC has permitted the document register to be inspected 	\$25

Note Under subsection 219 (4) of the National Credit Act, ASIC is not required to permit a person to inspect a document register, or to make any part of a document register available to the public.

Table of Instruments

Notes to the *National Consumer Credit Protection (Fees) Regulations 2010***Note 1**

The *National Consumer Credit Protection (Fees) Regulations 2010* (in force under the *National Consumer Credit Protection (Fees) Act 2009*) as shown in this compilation comprise Select Legislative Instrument 2010 No. 43 amended as indicated in the Tables below.

Table of Instruments

Year and Number	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
2010 No. 43	12 Mar 2010 (see F2010L00634)	1 Apr 2010 (see r. 2)	
2010 No. 106	25 May 2010 (see F2010L01370)	Rr. 1–3 and Schedule 1: 1 Apr 2010 R. 4 and Schedule 2: 1 July 2010	—
2010 No. 138	17 June 2010 (see F2010L01581)	1 July 2010	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 3	am. 2010 No. 106
R. 4	am. 2010 Nos. 106 and 138
R. 5	am. 2010 Nos. 106 and 138
R. 6	ad. 2010 No. 138
R. 7	ad. 2010 No. 138
Schedule 1	
Schedule 1	am. 2010 Nos. 106 and 138
