



National Consumer Credit Protection (Fees) Regulations 2010

Select Legislative Instrument No. 43, 2010

made under the

National Consumer Credit Protection (Fees) Act 2009

Compilation No. 5

Compilation date:	1 April 2019
Includes amendments up to:	F2019L00390
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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *National Consumer Credit Protection (Fees) Regulations 2010* that shows the text of the law as amended and in force on 1 April 2019 (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.

Editorial changes

For more information about any editorial changes made in this compilation, see 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

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

3 Definitions

In these Regulations:

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

Australian credit licence has the same meaning as in the National Credit Act.

credit provider licence means an Australian credit licence that authorises the licensee to engage in a credit activity mentioned in item 1 of the table in subsection 6(1) of the National Credit Act.

indexable matter: see subregulations 4(4) and 5(3).

lessor licence means an Australian credit licence that authorises the licensee to engage in a credit activity mentioned in item 3 of the table in subsection 6(1) of the National Credit Act.

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.

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

Fees

- (1) For the purposes of sections 5 and 6 of the Act, a fee is prescribed for a chargeable matter mentioned in an item in a table in clause 1 or 2 of Schedule 1.
- (2) The amount of the fee on or after 4 July 2018 is, subject to subregulations (3) to (5), the amount mentioned in the item.

Regulation 5

Alteration of fees

- (3) In a circumstance mentioned in an item in the table in clause 3 of Schedule 1, the fee specified in an item in a table in clause 1 or 2 of that Schedule for a chargeable matter is altered as required by the item.

Indexable matters

- (4) A chargeable matter is an ***indexable matter*** if it is a matter mentioned in an item in the table in clause 2 of Schedule 1, unless “no fee” appears in column 2 of the item.
- (5) In the financial year starting on 1 July 2019, or a subsequent 1 July, the fee for an indexable 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

Fees

- (1) For the purposes of sections 5 and 6 of the Act, and subject to subregulation (2), a fee is prescribed for a chargeable matter mentioned in an item in the table in clause 1 of Schedule 2.
- (1A) The amount of the fee on or after 4 July 2018 is, subject to subregulations (3) and (4), the amount mentioned in the item.
- (2) Subregulation (1) does not apply if:
 - (a) the inspection or inquiry is made by or on behalf of a Commonwealth entity (within the meaning of section 10 of the *Public Governance, Performance and Accountability Act 2013*); or
 - (b) the inspection or inquiry is made by or on behalf of a Commonwealth company (within the meaning of section 89 of the *Public Governance, Performance and Accountability Act 2013*); 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.

Indexable matters

- (3) A chargeable matter is an ***indexable matter*** if it is a matter mentioned in an item in the table in clause 1 of Schedule 2, unless “no fee” appears in column 2 of the item.

- (4) In the financial year starting on 1 July 2019, or a subsequent 1 July, the fee for an indexable 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 2019, or a subsequent 1 July, if the latest CPI number is greater than the earlier CPI number, the fee for an indexable matter 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 2019, or a subsequent 1 July, if the latest CPI number is not greater than the earlier CPI number, the fee for an indexable matter is the amount of the fee for the indexable 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 an indexable matter (including any alteration in accordance with this regulation or regulation 7) that was applicable immediately before the relevant 1 July.

7 Rounding of fees

If an amount worked out using Part 1 or 2 of Schedule 1 or Schedule 2 (including any alteration in accordance with Part 3 of Schedule 1 or regulation 6) is an amount of dollars and cents:

Regulation 7

- (a) if the amount of cents is at least 50 cents—the amount is to be rounded up to the nearest dollar; or
- (b) otherwise—the amount is to be rounded down to the nearest dollar.

Schedule 1—Fees for chargeable matters

Note: See regulation 4.

Part 1—Specified fees

1 Specified fees

For the purposes of subregulations 4(1) and (2), the following table prescribes fees for chargeable matters.

Note: See also regulation 3 (definitions).

Specified fees		
Item	Column 1 Chargeable matter	Column 2 Fee
Chargeable matters under the National Credit Act		
1	Lodgment of an application to be licensed under subsection 36(1) of the National Credit Act:	
	(a) if the applicant is an individual and the licence is not a credit provider licence or lessor licence; or	\$1,798
	(b) if the applicant is an individual and the licence is a credit provider licence or lessor licence; or	\$3,468
	(c) if the applicant is not an individual and the licence is not a credit provider licence or lessor licence; or	\$2,055
	(d) if the applicant is not an individual and the licence is a credit provider licence or lessor licence	\$4,624
2	Lodgment of information or an audit report under subsection 37(4) of the National Credit Act	no fee
3	Lodgment of an application for an extension of time under subsection 37(5), 49(5), 220(2) or 265(5) of the National Credit Act	no fee
4	Lodgment of an application to have conditions imposed, varied or revoked under paragraph 45(2)(b) of the National Credit Act:	
	(a) if the licensee is an individual and the licence is not a credit provider licence or lessor licence; or	\$2,183
	(b) if the licensee is an individual and the licence is a credit provider licence or lessor licence; or	\$1,156
	(c) if the licensee is not an individual and the licence is not a credit provider licence or lessor licence; or	\$2,826
	(d) if the licensee is not an individual and the licence is a credit provider licence or lessor licence	\$1,284
5	Lodgment of an application for ASIC to approve arrangements under paragraph 48(2)(b) of the National Credit Act	\$1,540
6	Lodgment of a statement under subsection 49(1) of the National Credit Act	no fee
7	Lodgment of an application for an extension of time under subsection 53(1) or 101(3) of the National Credit Act	\$1,155

Schedule 1 Fees for chargeable matters**Part 1** Specified fees

Specified fees		
Item	Column 1 Chargeable matter	Column 2 Fee
8	Lodgment of an annual compliance certificate under subsection 53(1) of the National Credit Act	no fee
9	Lodgment under paragraph 54(1)(a) of the National Credit Act	no fee
10	Lodgment of an application for the variation or cancellation of a banning order under paragraph 83(2)(b) of the National Credit Act	\$115
11	Lodgment of a trust account statement and trust account audit report under subsections 100(1) and (2) of the National Credit Act	no fee
12	Lodgment of a report under section 104 of the National Credit Act	no fee
13	Lodgment of an application for relief under section 109 of the National Credit Act	\$3,487
14	Lodgment of an application for relief under section 163 of the National Credit Act	\$3,487
Chargeable matters under Schedule 1 to the National Credit Act (the National Credit Code)		
15	Lodgment of an application for relief under subsection 6(14) of the National Credit Code	\$3,487
16	Lodgment of an application for relief under subsection 6(17) of the National Credit Code	\$3,487
17	Lodgment of an application for relief under subsection 171(4) of the National Credit Code	\$3,487
18	Lodgment of an application for relief under subsection 171(6) of the National Credit Code	\$3,487
19	Lodgment of an application for relief under subsection 203A(1) of the National Credit Code	\$3,487
20	Lodgment of an application for relief under subsection 203A(3) of the National Credit Code	\$3,487
Chargeable matters under the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009		
21	Lodgment of an application to be registered under subitem 11(1) of Schedule 2 to the Transitional Act	no fee
22	Lodgment of an application to have conditions imposed, varied or revoked under paragraph 14(2)(b) of Schedule 2 to the Transitional Act	\$115
23	Lodgment of a statement under subitem 17(1) of Schedule 2 to the Transitional Act	no fee
24	Lodgment of information under subitem 18(1) of Schedule 2 to the Transitional Act	no fee
25	Lodgment of an application to suspend or cancel registration under paragraph 23(1)(a) of Schedule 2 to the Transitional Act	no fee
26	Lodgment of an application for relief under item 41 of Schedule 2 to the Transitional Act	\$3,487
Chargeable matters under the National Consumer Credit Protection Regulations 2010		
27	Lodgment of particulars of a change under subregulation 9(2) of the National Credit Regulations	no fee

Specified fees		
Item	Column 1 Chargeable matter	Column 2 Fee
28	Lodgment of particulars of a change under subregulation 9(3) of the National Credit Regulations	no fee
29	Lodgment of particulars of a change in control of a licensee under subregulation 9(10) of the National Credit Regulations	no fee
30	Lodgment of notification of appointment under subregulation 19(3) of the National Credit Regulations	no fee
31	Lodgment of notification of appointment under subregulation 19(5) of the National Credit Regulations	no fee
32	Lodgment of information under a provision of: (a) the National Credit Regulations; or (b) the National Credit Act as modified by a provision of the National Credit Regulations; that relates to an unlicensed carried over lender	no fee
33	Lodgment of information under a provision of: (a) the National Credit Regulations; or (b) the National Credit Act as modified by a provision of the National Credit Regulations; that relates to a special purpose funding entity	no fee
Other chargeable matters		
34	Lodgment of an application for a no-action letter in relation to a matter arising under the National Credit Act or the Transitional Act	\$3,487

Part 2—Registry fees

2 Registry fees

For the purposes of subregulations 4(1) and (2), the following table prescribes fees for chargeable matters.

Note: See also regulation 3 (definitions).

Registry fees		
Item	Column 1 Chargeable matter	Column 2 Fee
Chargeable matters under the National Credit Act		
1	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
Chargeable matters under the National Consumer Credit Protection Regulations 2010		
2	Notification of an address under paragraph 29(6)(a) of the National Credit Regulations	no fee
3	Notification of a change of address under paragraph 29(6)(b) of the National Credit Regulations	no fee
4	Notification of an address under paragraph 30A(3)(a) of the National Credit Regulations	no fee
5	Notification of a change of address under paragraph 30A(3)(b) of the National Credit Regulations	no fee
Other chargeable matters		
6	Production by ASIC, under a subpoena, of: (a) a register mentioned in the definition of <i>chargeable matter</i> in subsection 4(1) of the Act; or (b) a document mentioned in that definition	\$117
7	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, in Part 1 of this Schedule or in Schedule 2	\$117

Part 3—Alteration of fees in Part 1 or 2

3 Alteration of fees in Part 1 or 2

For the purposes of subregulation 4(3), column 2 of an item of the following table specifies alterations, of the fees prescribed by Parts 1 and 2 of this Schedule, that apply in the circumstances specified by column 1 of the item.

Alteration of fees		
Item	Column 1 Circumstances	Column 2 Altered fee
1	The chargeable matter is the lodgment of a document otherwise than electronically	The fee specified in Part 1 or 2 and altered under this Part (if necessary) is increased by \$25
2	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 specified in Part 1 or 2 and altered under this Part (if necessary) is increased by \$67
3	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 specified in Part 1 or 2 and altered under this Part (if necessary) is increased by \$278
4	If more than one item in this table applies to the person, the items are to be applied in the order of items 1, 2 and 3	

Schedule 2—Fees for other chargeable matters

Note: See regulation 5.

1 Registry fees

For the purposes of subregulations 5(1) and (1A), the following table prescribes fees for chargeable matters.

Note: See also regulation 3 (definitions).

Registry fees		
Item	Column 1 Chargeable matter	Column 2 Fee
1	The making available by ASIC, under subsection 214(1) of the National Credit Act, of an extract of particulars in relation to: (a) a licensee; or (b) a credit representative; or (c) a registered person; or (d) a person or entity whose details are included in any other register that ASIC is required to keep under the National Credit Act or the Transitional Act. If the extract includes particulars in relation to more than one person or entity, a separate fee is applicable for each person or entity	\$10
2	Inspection of a document register, or a document, under section 219 of the National Credit Act	\$30
3	Inspection of a document: (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	\$30

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.

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.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

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

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
No. 43, 2010	12 Mar 2010 (F2010L00634)	1 Apr 2010 (r 2)	
No. 106, 2010	25 May 2010 (F2010L01370)	r 1–3 and Sch 1: 1 Apr 2010 r 4 and Sch 2: 1 July 2010	—
No 138, 2010	17 June 2010 (F2010L01581)	1 July 2010	—
No. 303, 2010	25 Nov 2010 (F2010L03104)	26 Nov 2010	—

Name	Registration	Commencement	Application, saving and transitional provisions
Treasury Laws Amendment (ASIC Fees) Regulations 2018	29 June 2018 (F2018L00965)	Sch 1 (items 23–37): 4 July 2018 (s 2(1) item 2)	—
Treasury Laws Amendment (ASIC Cost Recovery and Fees) Regulations 2019	25 Mar 2019 (F2019L00390)	Sch 2 (item 5): 1 Apr 2019 (s 2(1) item 3) Sch 2 (item 14): 1 July 2019 (s 2(1) item 4)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 2	rep LA s 48D
r 3	am No 106, 2010; F2018L00965
r 4	am No 106, 2010; No 138, 2010 rs F2018L00965
r 5	am No 106, 2010; No 138, 2010; F2018L00965; <u>F2019L00390</u>
r 6	ad No 138, 2010 am F2018L00965
r 7	ad No 138, 2010 rs F2018L00965
Schedule 1	
Schedule 1	am No 106, 2010; No 138, 2010; No 303, 2010 rs F2018L00965 am F2019L00390
Schedule 2	
Schedule 2	am No 303, 2010 rs F2018L00965
