



# National Consumer Credit Protection (Fees) Regulations 2010<sup>1</sup>

## Select Legislative Instrument 2010 No. 43

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Consumer Credit Protection (Fees) Act 2009*.

Dated 10 March 2010

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS BOWEN  
Minister for Financial Services, Superannuation and Corporate  
Law

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**1 Name of Regulations**

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

**2 Commencement**

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.

*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 sections 5 and 6 of the Act, and subject to subregulation (3), 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 subregulation (3), 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.

#### **5 Prescribed fees — chargeable matters in Schedule 2**

- (1) For sections 5 and 6 of the Act, and subject to subregulation (2), 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.

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## Schedule 1 Fees for chargeable matters

(regulation 4)

### Part 1 Fees worked out using method

**Table 1**

<b>Item</b>	<b>Chargeable matter</b>	<b>Method</b>
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

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**Table 2**

<b>Item</b>	<b>If the sum is ...</b>	<b>the fee is ...</b>
<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
<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

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## 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
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 notice of an authorisation, or a notice of a change to, or revocation of, an authorisation, 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

Item	Chargeable matter	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
<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



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Item	Chargeable matter	Fee
<i>Other chargeable matters</i>		
2.24	Production by ASIC, under a subpoena, of: <ul style="list-style-type: none"> <li>(a) a register mentioned in the definition of <b><i>chargeable matter</i></b> in subsection 4 (1) of the Act; or</li> <li>(b) a document mentioned in that definition</li> </ul>	\$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

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### **Part 3 Alteration of fees in Part 1 or 2**

<b>Item</b>	<b>Circumstance</b>	<b>Altered fee</b>
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 \$65

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<b>Item</b>	<b>Circumstance</b>	<b>Altered fee</b>
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 \$270
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	

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## **Part 4 Rounding**

- 4.1 If an amount:
- (a) has been worked out using Part 1; and
  - (b) is not altered in accordance with Part 3; and
  - (c) does not end in a whole dollar; and
  - (d) is more than \$1 000 and less than \$30 000;
- round the result to the nearest whole dollar (rounding up an amount of 50 cents).
- 4.2 If an amount:
- (a) has been worked out using Part 1; and
  - (b) is altered in accordance with Part 3; and
  - (c) does not end in a whole dollar; and
  - (d) is more than \$1 000 and less than \$30 000;
- round the result to the nearest whole dollar (rounding up an amount of 50 cents).
- 4.3 If an amount:
- (a) is specified in Part 2; and
  - (b) is altered in accordance with Part 3; and
  - (c) does not end in a whole dollar;
- round the result to the nearest whole dollar (rounding up an amount of 50 cents).

## 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"> <li>(a) a licensee; or</li> <li>(b) a credit representative; or</li> <li>(c) a registered person</li> </ul> <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"> <li>(a) which has been lodged with ASIC; and</li> <li>(b) which will be included in a document register under section 219 of the National Credit Act; and</li> <li>(c) in relation to which ASIC has permitted the document register to be inspected</li> </ul>	\$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.

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.