



Tertiary Education Quality and Standards Agency Determination of Fees (Amendment) 2020

The Tertiary Education Quality and Standards Agency hereby amends the *Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020*, made on 30 April 2020, as specified in the Schedule to this instrument.

Dated: 27 July 2020

Professor Nicholas Saunders AO
Chief Commissioner

Professor Peter Coaldrake
Commissioner

Professor Joan Cooper
Commissioner

Professor Cliff Walsh
Commissioner

1 Name of determination

This determination is the *Tertiary Education Quality and Standards Agency Determination of Fees (Amendment) 2020*.

2 Commencement

This determination commences on the day after it is registered.

3 Authority

This determination is made under subsections 158(1) and 158(3) of the *Tertiary Education Quality and Standards Agency Act 2011*.

4 Amendments

The instrument that is specified in the Schedule to this instrument is amended as set out in the items in the Schedule.

Schedule 1 – Amendments

Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020

1 Schedule A, section (1), table item 4

Repeal the item, substitute

4	Substantive Assessment of Application for registration as a higher education provider – s 20 of the Act Where the application is not one to which Item 3 applies	\$16,500
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2 Schedule B

Repeal the Schedule, insert

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 of 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 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.
- (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).