



New South Wales

Higher Education Regulation 2008

under the

Higher Education Act 2001

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Higher Education Act 2001*.

JOHN HATZISTERGOS, M.L.C.,
Minister for Education and Training

Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Higher Education Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation includes a number of new fees payable under the *Higher Education Act 2001* (**the Act**) in respect of registration, authorisation and approval of educational institutions and the accreditation of courses of study.

This Regulation makes provision with respect to the following:

- (a) the fees payable under the Act,
- (b) the application of sections 14 (Unlawful provision of higher education courses) and 15 (Unlawful conferral of higher education qualifications) of the Act in circumstances where an education institution's registration under the Act is suspended or cancelled or where a course of study's accreditation under the Act is suspended or cancelled in relation to an education institution,
- (c) savings and formal matters.

This Regulation is made under the *Higher Education Act 2001*, including section 25 (the general regulation-making power).

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Higher Education Regulation 2008

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Higher Education Act 2001

1 Name of Regulation

This Regulation is the *Higher Education Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Higher Education Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

- (1) In this Regulation:
the Act means the *Higher Education Act 2001*.
- (2) Notes in this Regulation do not form part of this Regulation.

4 Fees

- (1) The fees set out in Schedule 1 are payable with respect to the matters referred to in that Schedule.
- (2) The fees set out in Schedule 1 apply equally to applications for registration, accreditation, authorisation or approval and applications for the renewal of registration, accreditation, authorisation or approval.
- (3) The annual fees referred to in Schedule 1 are payable on 31 July in each year if on the first day of that month:
 - (a) the registration is current, in the case of an annual registration fee, or
 - (b) the education institution is included in Part 2 of Schedule 1 to the Act in the case of an annual fee for inclusion in that Part, or
 - (c) the approval is in force in the case of an annual approval fee.
- (4) The Director-General may waive, remit, reduce or refund any fee that is payable under the Act.

Note. The fees set out in Schedule 1 will generally be subject to an annual review and indexation.

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Clause 5 Higher Education Regulation 2008

5 Sections 14 and 15 of Act not to apply to certain matters following suspension or cancellation of registration or accreditation

- (1) This clause applies in circumstances in which:
 - (a) an education institution's registration under the Act is suspended or cancelled, or
 - (b) a course of study's accreditation under the Act is suspended or cancelled in relation to an education institution.
- (2) Section 14 of the Act does not apply to any representation to the effect that the education institution concerned provides, or is authorised to provide, any degree or post-graduate course to persons who commenced the course before the relevant registration or accreditation was suspended or cancelled, as the case may be.
- (3) Section 15 of the Act does not apply to any representation to the effect that the education institution concerned is authorised to confer a degree or post-graduate qualification in relation to any degree or post-graduate course on persons who commenced the course before the relevant registration or accreditation was suspended or cancelled, as the case may be.

6 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Higher Education Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Fees

(Clause 4)

Australian and overseas universities

Application by education institution of this State for Minister's recommendation under section 4 of Act and preliminary review of application	\$10,000
Application by education institution of the Commonwealth, another State or a Territory for Minister's recommendation under section 4 of Act	\$3,000
Assessment of education institution of this State in connection with application for Minister's recommendation under section 4 of Act	\$40,000
Application by education institution for registration as an overseas university under section 5 of Act	\$10,000
Assessment of education institution in connection with application for registration as an overseas university under section 5 of Act	\$40,000
Annual fee for registration as an overseas university under section 5 of Act	\$2,000
Annual fee for education institution included in Part 2 of Schedule 1 to Act	\$2,000
Application fee for 5 yearly review under the National Protocols of education institution included in Part 2 of Schedule 1 to Act	\$10,000
Undertaking 5 yearly review under the National Protocols of education institution included in Part 2 of Schedule 1 to Act	\$40,000

Australian and overseas higher education institutions

Application by education institution for registration as an Australian or overseas higher education institution under section 5 of Act	\$3,000
Assessment of education institution in connection with application for registration as an Australian or overseas higher education institution under section 5 of Act	\$5,000
Annual fee for registration of education institution under section 5 of Act as an Australian or overseas higher education institution	\$2,000
Assessment of education institution in connection with application by institution to vary or revoke any condition of registration under section 6 of Act	\$3,000
Assessment of an overseas location for the delivery of a course of study (per location)	\$5,000
Assessment of application by education institution to vary particulars of its registration	\$3,000

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Schedule 1 Fees

Accreditation of higher education courses by Director-General

Application for accreditation of course of study under section 7 of Act (per course)	\$2,000
Assessment of course of study in connection with application for accreditation under section 7 of Act (per course):	
(a) Diploma or advanced diploma	\$3,500
(b) Associate degree	\$4,250
(c) Bachelor degree	\$5,000
(d) Graduate certificate or graduate diploma	\$3,500
(e) Masters degree	\$7,000
(f) Doctoral degree	\$7,000
Assessment of application by education institution to vary or revoke any condition under section 8 of Act (per course)	\$3,000
Assessment of application by education institution to vary particulars of accreditation of a course of study	\$3,000
Approval of a course of an overseas university or higher education institution under the National Protocols	\$2,000

Accreditation of higher education courses by institution

Application to Director-General under section 7 for authorisation for an education institution to accredit courses provided by the institution	\$6,000
Assessment of an application to Director-General under section 7 for authorisation for an education institution to accredit courses provided by the institution	\$30,000
Application to vary particulars of authorisation for an education institution to accredit courses provided by the institution	\$5,000
Assessment of application to vary particulars of authorisation for an education institution to accredit courses provided by the institution	\$5,000

Approval to provide courses of study to overseas students

Application for approval of education institution in relation to courses of study under section 10 of Act	\$5,000
Annual fee for approval of education institution under section 10 of Act:	
(a) if number of courses covered by approval does not exceed 5	\$1,000
(b) if number of courses covered by approval exceeds 5	\$2,000
Assessment of application by education institution to vary or revoke any condition of approval under section 11 of Act	\$3,000

Assessment of application by education institution to vary its particulars of approval to add, suspend or cancel a course of study	\$1,000
Assessment of application by education institution to vary its particulars of approval to add new course delivery locations (per location)	\$3,000
Application by education institution to vary its particulars of registration other than to add, suspend or cancel a course of study or to add new course delivery location	\$500