



# Higher Education Regulation 2003

under the

Higher Education Act 2001

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

ANDREW REFSHAUGE, M.P.,  
Minister for Education and Training

## Explanatory note

The objects of this Regulation are to make provision with respect to the fees payable under the *Higher Education Act 2001* and to make provisions of a savings and transitional nature. The fees prescribed by this Regulation include a component to cover the GST payable in relation to the services to which the fees relate.

This Regulation is made under the *Higher Education Act 2001*, including section 25 (the general power to make regulations) and clause 1 of Schedule 3 (the power to make regulations of a savings or transitional nature).

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## **Higher Education Regulation 2003**

under the

Higher Education Act 2001

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *Higher Education Regulation 2003*.

#### **2 Commencement**

This Regulation commences on 1 July 2003.

#### **3 Definition**

In this Regulation:

*the Act* means the *Higher Education Act 2001*.

## **2003 No 397**

Clause 4            Higher Education Regulation 2003

Part 2             Fees

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### **Part 2        Fees**

#### **4    Fees generally**

- (1) Subject to this Part, the fees set out in Schedule 1 are payable with respect to the matters referred to in that Schedule.
- (2) Despite subclause (1), the fee payable with respect to the assessment of two or more courses that are the subject of a single application for accreditation, and that are referred to the same assessment panel, is the sum of the following:
  - (a) for the course for which the greatest assessment fee is set out in Schedule 1, the amount of that fee, and
  - (b) for each other course, one half of the assessment fee set out in Schedule 1 in relation to that course.
- (3) The fees set out in Schedule 1 apply equally to applications for registration, accreditation or approval and applications for the renewal of registration, accreditation or approval.

#### **5    Annual fees**

- (1) The annual registration fees referred to in Schedule 1 are payable on 31 July in each year in respect of registration that is current as at the first day of that month.
- (2) The annual approval fees referred to in Schedule 1 are payable on 31 July in each year in respect of courses of study for which approvals are in force as at the first day of that month.

#### **6    Fees with respect to accreditation of courses**

An application for accreditation of one or more courses of study must be accompanied by the appropriate application fees for each course of study to which the application relates.

#### **7    Waiver, remittal, reduction and refund of fees**

The Director-General may waive, remit, reduce or refund any fee that is payable under the Act.

## **Part 3 Savings and transitional provisions**

### **8 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.

### **9 Sections 14 and 15 of Act not to apply to education institutions providing courses approved under the 1988 Act**

- (1) Sections 14 and 15 of the Act do not apply to an education institution referred to in Column 1 of Schedule 2, during the period from the commencement of those sections until the date specified in relation to that institution in Column 2 of that Schedule, in relation to any course of study approved under section 3 of the *Higher Education Act 1988* that, immediately before the commencement of those sections, was being provided by that institution.
- (2) The Director-General may, by order published in the Gazette, suspend the operation of subclause (1) in relation to any specified education institution and specified course of study.
- (3) Section 17 of the Act applies to a decision of the Director-General to make an order under subclause (2) in the same way as it applies to a decision of the Director-General referred to in that section.

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Schedule 1      Fees

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### Schedule 1   Fees

(Clause 4)

#### **Australian and overseas universities**

Application by education institution for Minister's recommendation under section 4 of Act	\$11,000
Assessment of education institution in connection with application for Minister's recommendation under section 4 of Act	\$44,000
Application by education institution for registration as an overseas university under section 5 of Act	\$11,000
Assessment of education institution in connection with application for registration as an overseas university under section 5 of Act	\$44,000

#### **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	\$3,300
Annual fee for registration of education institution under section 5 of Act as an Australian or overseas higher education institution	\$2,200
Assessment of education institution in connection with application for termination of suspension of registration under section 6 of Act	\$3,300

#### **Accreditation of higher education course**

Application for accreditation of course of study under section 7 of Act (per course)	\$2,200
Assessment of course of study in connection with application for accreditation under section 7 of Act (per course):	
(a)    Diploma or advanced diploma	\$3,850

## Higher Education Regulation 2003

## Fees

## Schedule 1

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(b) Bachelor degree,	\$5,500
(c) Graduate certificate, graduate diploma or other prescribed post-graduate qualification,	\$3,850
(d) Master's degree,	\$7,700
(e) Doctoral degree	\$7,700
Assessment of course of study in connection with application for termination of suspension of accreditation under section 8 of Act (per course)	\$3,300
<b>Approval to provide courses of study to overseas students</b>	
Application for approval of education institution in relation to courses of study under section 10 of Act	\$5,500
Annual fee for approval of education institution under section 10 of Act:	
(a) if number of courses covered by approval does not exceed 5, or	\$1,100
(b) if number of courses covered by approval exceeds 5	\$2,200
Application to amend education institution's approval to add new courses	\$1,100
Assessment of education institution in connection with application for termination of suspension of approval under section 11 of Act	\$3,300

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Schedule 2 Education institutions temporarily exempted from sections 14 and 15

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### **Schedule 2 Education institutions temporarily exempted from sections 14 and 15**

(Clause 9)

<b>Education Institution</b>	<b>Date when exemption ceases</b>
ACPE Redlands Limited	31 December 2006
Australasian Conference Association Limited	30 June 2005
Australian College of Applied Psychology Pty Ltd	30 June 2007
Australian Institute of Management NSW Training Centre Limited	30 June 2006
Australian Institute of Police Management	31 December 2004
Blue Mountains International Hotel Management School Pty Limited	31 December 2006
Centre for Intermodal Systems Management	30 June 2006
Chartered Secretaries Australia Ltd	31 December 2004
College of Christian Higher Education Incorporated	31 December 2005
College of Law Pty Limited	31 December 2006
East Coast Gestalt Training Incorporated	31 December 2004
Gospel Service Ministries Incorporated	31 December 2005
Institute for Emotionally Focused Therapy Pty Ltd	30 June 2004
Institute for Learning Difficulties Pty Ltd	30 June 2004
International Conservatorium of Music (Aust)	30 June 2005
Jansen Newman Institute Pty Limited	30 June 2004



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<b>Education Institution</b>	<b>Date when exemption ceases</b>
KvB Visual Concepts Pty Ltd	30 June 2006
Moore Theological College Council	31 December 2006
Morling College	30 June 2005
National Art School	31 December 2006
Parsifal College Limited	30 June 2004
Property Council of Australia Limited	30 June 2004
Royal Australian College of General Practitioners	31 December 2006
Securities Institute Education	30 June 2007
Snowy Mountains Institute Limited	30 June 2004
Somatic Psychotherapy Training Pty Ltd	30 June 2005
Sydney College of Divinity Ltd	30 June 2006
Tabor College (Australia) Incorporated	31 December 2004
The Australian College of Theology Council Incorporated	31 December 2005
The Australian Institute of Music Limited	31 December 2005
The Crucible Centre Pty Limited	31 December 2004
The Institute of Chartered Accountants in Australia	30 June 2006
The National Institute of Dramatic Art	31 December 2004
The NSW Institute of Psychiatry	31 December 2005
The Shalom Institute	30 June 2007

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Schedule 2 Education institutions temporarily exempted from sections 14 and 15

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<b>Education Institution</b>	<b>Date when exemption ceases</b>
The Sydney Graphics College Pty Ltd	31 December 2006
The Sydney Institute of Business and Technology Pty Ltd	30 June 2004
The Uniting Church In Australia Property Trust (NSW)	30 June 2005

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BY AUTHORITY