

NORTHERN TERRITORY OF AUSTRALIA

HIGHER EDUCATION REGULATIONS 2006

As in force at 1 January 2010

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2010

HIGHER EDUCATION REGULATIONS 2006

Regulations under the *Higher Education Act 2004*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Higher Education Regulations 2006*.

2 Definitions

In these Regulations:

corresponding law, for a provision of the Act, means a law of the Commonwealth or another State that deals with the same matter as the provision.

Ministerial Council procedures means the procedures approved by the Ministerial Council for considering an application by the governing body of a non-university provider for the concurrent accreditation in 2 or more States of a higher education course proposed to be offered by the provider in those States.

modified accreditation process means a process under which the governing body of a non-university provider that has made an application under section 21 of the Act for the accreditation of a higher education course:

- (a) provides administrative support to the Minister to consider the application; and
- (b) pays all the costs relating to the consideration of the provider's operation, or proposed operation, for the course.

State includes a Territory.

Part 2 Establishment and recognition of universities in Territory

3 Application of Part

This Part applies to an application made by the governing body of a higher education institution under section 6 of the Act for the Minister's approval that the institution is suitable to be established or recognised, under an Act, as a university in the Territory.

4 Application fee – general

- (1) For section 6(2)(b) of the Act, the fee for the application is 42 700 revenue units.
- (2) Subregulation (1) has effect subject to regulation 5.

5 Application fee – second application

- (1) This regulation applies if:
 - (a) the Minister refuses to grant an application; and
 - (b) within 6 months after receiving an information notice for the decision, the governing body of the institution makes a second application under section 6 of the Act; and
 - (c) the second application addresses the reasons given in the information notice.
- (2) The application fee for the second application is 21 360 revenue units.
- (3) This regulation does not apply to any subsequent application by the governing body.

Part 3 Overseas higher education institutions

6 Application of Part

This Part applies to an application made by the governing body of an overseas higher education institution:

- (a) under section 13 of the Act for the Minister's approval to enable the institution to operate in the Territory; or
- (b) under section 17 of the Act for the renewal of the Minister's approval.

7 Application fee

- (1) For section 13(2)(b)(ii) of the Act, the application fee is the sum of the course fees for each course for which the applicant is seeking authorisation to offer under the approval.
- (2) The course fee for each higher education course is 14 700 revenue units.
- (3) However, if 2 or more of the courses are assessable in the same process, as determined by the Minister, the course fee is:
 - (a) for the first course – the amount specified in subregulation (2); and
 - (b) for each other course – 3 675 revenue units.

Example for subregulation (3)

If an application is made for 3 courses to which subregulation (3) applies and one unrelated course, the course fee for each course is as follows:

- (a) 14 700 revenue units for the first of the 3 courses;
 - (b) 3 675 revenue units for each of the second and third of the 3 courses;
 - (c) 14 700 revenue units for the unrelated course.
- (4) If the applicant has made 2 or more applications at the same time, for this regulation the applications are taken to have been made as one application.

Part 4 Accreditation of higher education courses offered by non-university providers**8 Application of Part**

This Part applies to an application made by the governing body of a non-university provider under section 21 of the Act for accreditation of a higher education course proposed to be offered by the provider.

9 Application fee

- (1) For section 21(2)(b)(ii) of the Act, the application fee is the sum of the course fees for each course for which the application is made.
- (2) For subregulation (1), the course fee for each higher education course for which an application is made is:
 - (a) if the Minister permits the applicant to participate in a modified accreditation process – 3 250 revenue units; or

- (b) if the course is accredited under a corresponding law – 6 500 revenue units; or
 - (c) if subregulation (5) applies to the application – 6 500 revenue units; or
 - (d) otherwise – 14 700 revenue units.
- (3) However, if 2 or more of the courses are assessable in the same process, as determined by the Minister, the course fee is:
- (a) for the highest fee course – the amount specified in subregulation (2) for the course; and
 - (b) for each other course:
 - (i) if subregulation (2)(a) applies to the course – 810 revenue units; or
 - (ii) if subregulation (2)(b) applies to the course – 1 625 revenue units; or
 - (iii) if subregulation (2)(c) applies to the course – 1 625 revenue units; or
 - (iv) if subregulation (2)(d) applies to the course – 3 675 revenue units.
- (4) If the applicant has made 2 or more applications at the same time, for this regulation the applications are taken to have been made as one application.
- (5) For subregulation (2)(c), this subregulation applies to the application if:
- (a) the application is made for the accreditation of a higher education course proposed to be offered in 2 or more States; and
 - (b) the application has been made in accordance with Ministerial Council procedures; and
 - (c) under the procedures, the Minister is not the receiving authority for the application.

(6) In this regulation:

highest fee course, of courses for which an applicant's operation, or proposed operation, of the institution in the Territory is to be considered, means the course to which the highest course fee prescribed under subregulation (2) applies.

Part 5 Provision of higher education courses to overseas students

10 Application of Part

This Part applies to an application made by the governing body of a higher education institution under section 27 of the Act for the Minister's approval to enable the institution to provide higher education courses in the Territory to overseas students.

11 Application fee

For section 27(2)(b)(ii) of the Act, the application fee is 350 revenue units for each course for which the applicant is seeking authorisation to offer under the approval.

ENDNOTES
1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = Gazette | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION***Higher Education Regulations (SL No. 30, 2006)***

| | |
|-----------|--|
| Notified | 13 September 2006 |
| Commenced | 27 September 2006 (r 2, s 2 <i>Higher Education Act 2004</i> (Act No. 31, 2004) and Gaz G39, 27 September 2006, p 5) |

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

| | |
|-----------|----------------------|
| Notified | 14 December 2009 |
| Commenced | 1 January 2010 (r 2) |

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: r 1.

4 LIST OF AMENDMENTS

| | |
|----------|------------------------|
| rr 4 – 5 | amd No. 34, 2009, r 18 |
| r 7 | amd No. 34, 2009, r 18 |
| r 9 | amd No. 34, 2009, r 18 |
| r 11 | amd No. 34, 2009, r 18 |