



National Consumer Credit Protection (Fees) Regulations 2009¹

Select Legislative Instrument 2009 No.

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 2009

Governor-General

By Her Excellency's Command

[DRAFT ONLY – NOT FOR SIGNATURE]

Treasurer

EXPOSURE DRAFT

4 Prescribed fees

- (1) For sections 5 and 6 of the Act, the fees prescribed for chargeable matters are as set out in this regulation.
- (2) Subject to subregulations (3) and (4), the fee for a chargeable matter set out in Schedule 1 is the fee specified in Schedule 1 for that matter.
- (3) If a person is:
 - (a) an ADI mentioned in section 38 of the National Credit Act; or
 - (b) an applicant using a streamlined process under section 39 of that Act;the prescribed fee for lodgment by the person of an application to be licensed under subsection 36 (1) of the National Credit Act is 90% of the fee set out in relation to the person in item 1 of the table in Schedule 1.
- (4) The fee set out in subregulation (5) applies if:
 - (a) the chargeable matter is the lodgment of a document mentioned in Schedule 1; and
 - (b) the document must be lodged within a specified period; and
 - (c) the document is not lodged within the specified period.
- (5) For subregulation (4), the fee for lodgment of the document is:
 - (a) if the document is lodged within 1 calendar month after the specified period — the fee prescribed by this regulation (if any) plus \$65; or
 - (b) if the document is lodged more than 1 calendar month after the specified period — the fee prescribed by this regulation (if any) plus \$270.
- (6) Subject to subregulation (7):
 - (a) a fee of \$10 is payable for:
 - (i) an inspection of a credit register under section 214 of the National Credit Act; or
 - (ii) an inquiry relating to an inspection of a credit register; and
 - (b) a fee of \$25 is payable for:

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- (i) if ASIC permits a document register to be inspected — an inspection, or an inquiry relating to an inspection, of the document register under section 219 of the National Credit Act; or
 - (ii) if a document is lodged with ASIC which has been, or will be, included in a document register under section 219 of the National Credit Act, and ASIC permits the document to be inspected — an inspection, or an inquiry relating to an inspection, of the document lodged with ASIC.

Note Under section 219 of the National Credit Act, ASIC is not required to permit a person to inspect a document register, or make any part of a document register available to the public.

- (7) Subregulation (6) does not apply if the inspection or inquiry is made:
 - (i) by or on behalf of an agency (within the meaning given by section 5 of the *Financial Management and Accountability Act 1997*; or
 - (ii) by or on behalf of a Commonwealth authority (within the meaning given by section 7 of the *Commonwealth Authorities and Companies Act 1997*); or
 - (iii) by or on behalf of a Commonwealth company (within the meaning given by section 34 of the *Commonwealth Authorities and Companies Act 1997*); or
 - (iv) by a holder of a licence for a commercial broadcasting or television station; or
 - (v) by the proprietor or publisher of a newspaper that is generally available to the public otherwise than by subscription.

Schedule 1 Fees

(regulation 4)

- (1) For subregulation 4 (2), the fee for a chargeable matter set out in column 2 of an item in the table is the fee specified in column 3 or 4 of the item.

Item	Chargeable matter	Fee for electronic lodgment	Fee for non-electronic lodgment
1	Lodgment of an application to be licensed under subsection 36 (1) of the National Credit Act by a person with:		
	(a) 1 representative engaging in credit activities	\$450	\$565
	(b) more than 1, but no more than 5, representatives engaging in credit activities	\$1 050	\$1 315
	(c) more than 5, but no more than 10, representatives engaging in credit activities	\$2 700	\$2 375
	(d) more than 10, but no more than 20, representatives engaging in credit activities	\$4 600	\$5 750
	(e) more than 20, but no more than 30, representatives engaging in credit activities	\$7 500	\$9 375
	(f) more than 30, but no more than 50, representatives engaging in credit activities	\$10 250	\$12 815
	(g) more than 50, but no more than 100, representatives engaging in credit activities	\$15 900	\$19 875
	(h) more than 100 representatives engaging in credit activities	\$21 000	\$26 250
2	Lodgment of an annual compliance certificate under subsection 53 (1) of the National Credit Act by a licensee with:		
	(a) 1 representative engaging in credit activities	\$450	\$565
	(b) more than 1, but no more than 5, representatives engaging in credit activities	\$1 050	\$1 315
	(c) more than 5, but no more than 10, representatives engaging in credit activities	\$2 700	\$2 375
	(d) more than 10, but no more than 20, representatives engaging in credit activities	\$4 600	\$5 750
	(e) more than 20, but no more than 30, representatives engaging in credit activities	\$7 500	\$9 375
	(f) more than 30, but no more than 50, representatives engaging in credit activities	\$10 250	\$12 815
	(g) more than 50, but no more than 100, representatives engaging in credit activities	\$15 900	\$19 875
	(h) more than 100 representatives engaging in credit activities	\$21 000	\$26 250

Item	Chargeable matter	Fee for electronic lodgment	Fee for non-electronic lodgment
3	Lodgment of an application to be registered under subitem 11 (1) of Schedule 2 to the Transitional Act	no fee	no fee
4	Lodgment of a trust account statement and trust account audit report under subsections 100 (1) and (2) of the National Credit Act	\$100	\$125
5	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	\$25
6	Lodgment of an application to have conditions imposed, varied or revoked under: (a) paragraph 45 (2) (b) of the National Credit Act; or (b) paragraph 14 (2) (b) of Schedule 2 to the Transitional Act	\$100	\$125
7	Lodgment of an application for relief under: (a) item 41 of Schedule 2 to the Transitional Act; or (b) section 109 or 163 of the National Credit Act; or (c) subsection 6 (14) or (17) of Schedule 1 to the National Credit Act (the National Credit Code)	\$100	\$125
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	\$125
9	Lodgment of an application to cancel or suspend registration under paragraph 23 (1) (a) of Schedule 2 to the Transitional Act	no fee	\$25
10	Lodgment of an application to cancel or suspend a licence under paragraph 54 (1) (a) of the National Credit Act	no fee	\$25
11	Lodgment of a document under Part 5-2 of the National Credit Act to be included in a document register under section 219 of that Act, other than a document already mentioned in regulation 4 or this table	\$100	\$125
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	\$25
13	Lodgment of a document, notice or application under	\$100	\$125

Item	Chargeable matter	Fee for electronic lodgment	Fee for non-electronic lodgment
	the National Credit Act or Transaction Act not otherwise mentioned in regulation 4 or this table		
	(2) For item 1 or 2 of the table in subclause (1), in counting an employee as a representative, a part-time employee is to be taken into account as an appropriate fraction of a full-time equivalent.		
	(3) For item 1 of the table in subclause (1): (a) if the person is a registered person (within the meaning given by subsection 4 (1) of the Transitional Act), the number of representatives is to be determined at the time of lodgment of the application; or (b) if the person is not a registered person (within the meaning given by subsection 4 (1) of the Transitional Act), the number of representatives will be the number the person could reasonably expect to have on commencement of engaging in credit activities if the licence is granted.		
	(4) For item 2 of the table in subclause (1), the number of representatives is to be determined on the licensee's licensing anniversary.		

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>.