



# National Consumer Credit Protection (Fees) Regulations 2010<sup>1</sup>

**Select Legislative Instrument 2009 No.**

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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

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**1 Name of Regulations**

These Regulations are the *National Consumer Credit Protection (Fees) Regulations 2010*.

**2 Commencement**

These Regulations commence on the same day as item 2 of the table in subsection 2 (1) of the *National Consumer Credit Protection (Fees) Act 2009*.

**3 Definitions**

In these Regulations:

*Act* means the *National Consumer Credit Protection (Fees) Act 2009*.

*National Credit Act* means the *National Consumer Credit Protection Act 2009*.

*National Credit Regulations* means the *National Consumer Credit Protection Regulations 2010*.

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**registered person** has the meaning given by subsection 4 (1) of the Transitional Act.

**Transitional Act** means the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009*.

**Transitional Regulations** means the *National Consumer Credit Protection (Transitional and Consequential Provisions) Regulations 2010*.

#### **4 Prescribed fees — chargeable matters in Schedule 1**

##### *Fees*

- (1) For sections 5 and 6 of the Act, and subject to subregulation (3), the fee for a chargeable matter mentioned in an item of Part 1 of Schedule 1 is the fee worked out in accordance with the item for:
  - (a) the matter; and
  - (b) the way in which the matter is lodged.
- (2) For sections 5 and 6 of the Act, and subject to subregulation (3), the fee for a chargeable matter mentioned in an item of Part 2 of Schedule 1 is the fee specified in the item for:
  - (a) the matter; and
  - (b) the way in which the matter is lodged.

##### *Alteration of fees*

- (3) In a circumstance mentioned in an item in Part 3 of Schedule 1, the fee worked out in accordance with Part 1 or 2 of Schedule 1 is altered as required by the item.

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## 5 Prescribed fees — chargeable matters in Schedule 2

- (1) For sections 5 and 6 of the Act, and subject to subregulation (2), the fee for a matter mentioned in an item of Schedule 2 is the fee specified in the item.
- (2) Subregulation (1) does not apply if:
  - (a) the inspection or inquiry is made by or on behalf of an agency (within the meaning given by section 5 of the *Financial Management and Accountability Act 1997*); or
  - (b) the inspection or inquiry is made by or on behalf of a Commonwealth authority (within the meaning given by section 7 of the *Commonwealth Authorities and Companies Act 1997*); or
  - (c) the inspection or inquiry is made by or on behalf of a Commonwealth company (within the meaning given by section 34 of the *Commonwealth Authorities and Companies Act 1997*); or
  - (d) the inspection or inquiry is made by a holder of a licence for a commercial broadcasting or television station; or
  - (e) the inspection or inquiry is made by the proprietor or publisher of a newspaper that is generally available to the public otherwise than by subscription; or
  - (f) the inspection or inquiry is of a credit register that ASIC has made available under subsection 214 (2) of the National Credit Act.

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## Schedule 1 Fees for chargeable matters

(regulation 4)

### Part 1 Fees worked out using method

Item	Chargeable matter	Method
1.1	Lodgement of: (a) an application to be licensed under subsection 36 (1) of the National Credit Act; or (b) an annual compliance certificate under subsection 53 (1) of the National Credit Act	The fee is the amount in the following table that is specified for the sum of: (a) the total amount of credit advanced by the applicant in the preceding financial year; and (b) the total value of credit in applications submitted to credit providers by the applicant in the preceding financial year; and (c) the total amount of rent payable by consumers under consumer leases entered into by the applicant in the preceding financial year.
	<i>If the sum is ...</i>	<i>the fee is ...</i>
	for a sole trader — no more than \$99 999 999	\$450
	for a sole trader — more than \$99 999 999 but no more than \$199 999 999	\$1 000
	for an applicant other than a sole trader — no more than \$199 999 999	\$1 000
	more than \$199 999 999 but no more than \$599 999 999	\$4 000
	more than \$599 999 999 but no more than \$999 999 999	\$8 000
	more than \$999 999 999 but no more than \$1 399 999 999	\$12 000
	more than \$1 399 999 999 but no more than \$1 799 999 999	\$16 000
	more than \$1 799 999 999 but no more than \$2 099 999 999	\$20 000
	more than \$2 099 999 999	\$21 000

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## Part 2 Specified fees

Item	Chargeable matter	Fee
<i>Chargeable matters under the National Consumer Credit Protection Act 2009</i>		
2.1	Lodgement of information or an audit report under subsection 34 (4) of the National Credit Act	no fee
2.2	Lodgement of a notice to a licensee to provide a statement under subsection 39 (1) of the National Credit Act	no fee
2.3	Lodgement of an application to have conditions imposed, varied or revoked under paragraph 45 (2) (b) of the National Credit Act	\$100
2.4	Lodgement of information under subsection 50 (1) of the National Credit Act	no fee
2.5	Lodgement of a notice of an authorisation, or a notice of a change to, or revocation of, an authorisation, under subsection 51 (4) of the National Credit Act	no fee
2.6	Lodgement under paragraph 54 (1) (a) of the National Credit Act	no fee
2.7	Lodgement 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
2.8	Lodgement of an application for the variation or cancellation of a banning order under paragraph 83 (2) (b) of the National Credit Act	\$100
2.9	Lodgement of a trust account statement and trust account audit report under subsections 100 (1) and (2) of the National Credit Act	\$100
2.10	Lodgement of an application for relief under section 109 of the National Credit Act	\$100
2.11	Lodgement of an application for relief under section 163 of the National Credit Act	\$100
2.12	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

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<b>Item</b>	<b>Chargeable matter</b>	<b>Fee</b>
<i>Chargeable matters under Schedule 1 to the National Credit Act (the National Credit Code)</i>		
2.13	Lodgement of an application for relief under subsection 6 (14) of Schedule 1 to the National Credit Act (the National Credit Code)	\$100
2.14	Lodgement of an application for relief under subsection 6 (17) of Schedule 1 to the National Credit Act (the National Credit Code)	\$100
<i>Chargeable matters under the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i>		
2.15	Lodgement of an application to be registered under subitem 11 (1) of Schedule 2 to the Transitional Act	no fee
2.16	Lodgement of an application to have conditions imposed, varied or revoked under paragraph 14 (2) (b) of Schedule 2 to the Transitional Act	\$100
2.17	Lodgement of a statement under subitem 17 (1) of Schedule 2 to the Transitional Act	no fee
2.18	Lodgement of information under subitem 18 (1) of Schedule 2 to the Transitional Act	no fee
2.19	Lodgement of an application to cancel or suspend registration under paragraph 23 (1) (a) of Schedule 2 to the Transitional Act	no fee
2.20	Lodgement of an application for relief under item 41 of Schedule 2 to the Transitional Act	\$100
<i>Chargeable matters under the National Consumer Credit Protection Regulations 2010</i>		
2.21	Lodgement of particulars of a change under subregulation 9 (2) of the National Credit Regulations	no fee
2.22	Lodgement of particulars of a change under subregulation 9 (3) of the National Credit Regulations	no fee
2.23	Lodgement of particulars of a change in control of a licensee under subregulation 9 (10) of the National Credit Regulations	no fee

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*Chargeable matters under the National Consumer Credit Protection (Transitional and Consequential Provisions) Regulations 2010*

2.24	Lodgement of particulars of a change under subregulation 21 (2) of the Transitional Regulations	no fee
2.25	Lodgement of particulars of a change under subregulation 21 (3) of the Transitional Regulations	no fee
2.26	Lodgement of particulars of a change in control of a licensee under subregulation 21 (10) of the Transitional Regulations	no fee

*Other chargeable matters*

2.27	Production by ASIC, under a subpoena, of: (a) a register mentioned in the definition of <b>chargeable matter</b> in subsection 4 (1) of the Act; or (b) a document mentioned in that definition	\$100
2.28	Lodgement of a document, notice or application under the National Credit Act or Transitional Act that is not mentioned in the other items of this Part or in Schedule 2	\$100

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### **Part 3 Alteration of fees in Part 1 or 2**

<b>Item</b>	<b>Circumstance</b>	<b>Altered fee</b>
3.1	The person is: (a) lodging an application to be licensed under subsection 36 (1) of the National Credit Act; and (b) an ADI mentioned in section 38 of the National Credit Act.	The fee worked out in accordance with Part 1 is decreased by 10%.
3.2	The person is: (a) lodging an application to be licensed under subsection 36 (1) of the National Credit Act; and (b) using a streamlined process under section 39 of that Act; and (c) not an ADI mentioned in section 38 of the National Credit Act.	The fee worked out in accordance with Part 1 and altered under this Part (if necessary) is decreased by 10%.



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round the result to the nearest whole dollar (rounding up an amount of 50 cents).

4.2 If an amount:

- (a) has been worked out using Part 1; and
- (b) is altered in accordance with Part 3; and
- (c) does not end in a whole dollar; and
- (d) is more than \$1 000 and less than \$30 000;

round the result to the nearest whole dollar (rounding up an amount of 50 cents).

4.3 If an amount:

- (a) is specified in Part 2; and
- (b) is altered in accordance with Part 3; and
- (c) does not end in a whole dollar;

round the result to the nearest whole dollar (rounding up an amount of 50 cents).

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## Schedule 2 Fees for other chargeable matters

(subregulation 5 (1))

Item	Matter	Fee
1	The making available by ASIC, under subsection 214 (1) of the National Credit Act, of an extract of particulars in relation to: (a) a licensee; or (b) a credit representative; or (c) a registered person  If the extract includes particulars in relation to more than 1 licensee, credit representative or registered person, a separate fee is applicable for each licensee, credit representative or registered person	\$10
2	Inspection of a document register, or a document, under section 219 of the National Credit Act	\$25
3	Inspection of a document: (a) which has been lodged with ASIC; and (b) which will be included in a document register under section 219 of the National Credit Act; and (c) in relation to which ASIC has permitted the document register to be inspected	\$25

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*Note* Under subsection 219 (4) of the National Credit Act, ASIC is not required to permit a person to inspect a document register, or to make any part of a document register available to the public.

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### 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>.