

## **EXPLANATORY STATEMENT**

Notice of revocation of approval as a provider under clause 29B(1)(a) of Schedule 1A to the  
*Higher Education Support Act 2003*

**Issued by the authority of the Minister for Education**

### **Authority**

Clause 29B of Schedule 1A to the *Higher Education Support Act 2003* (the Act) provides for the revocation of approval of a body as a VET provider by the Minister if the body ceases to be listed as a registered training organisation on the National Register.

Under paragraph 238(5)(1)(b) of the Act, the Minister has delegated his powers under clause 29B of Schedule 1A to the Act to an APS employee responsible for administering the Act.

Subclause 29B(3) of Schedule 1A to the Act stipulates that a notice of revocation under subclause 29B(2) of Schedule 1A to the Act is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the notice.

### **Purpose**

This legislative instrument (the Instrument) revokes the approval of Carrick Institute of Education Pty Ltd as a VET provider under paragraph 29B(1)(a) of Schedule 1A to the Act.

### **Background**

Carrick Institute of Education Pty Ltd was approved by the Minister's delegate as a VET provider on 29 June 2009 by Instrument of Approval No. 19 of 2009 and registered on the Federal Register of Legislative Instruments on 2 July 2009 (F2009L02656), which took effect on 11 August 2009.

Paragraph 29B(1)(a) of Schedule 1A to the Act provides that the Minister may revoke a body's approval as a VET provider if the body ceases to be a registered training organisation as listed on the National Register.

Carrick Institute of Education Pty Ltd's registration on the National Register was cancelled on 4 September 2013 and it is no longer registered.

### **Commencement**

In accordance with clause 29B(2) of Schedule 1A to the Act, the revocation of Carrick Institute of Education Pty Ltd's approval as a VET provider will take effect on the day that the notice is registered on the Federal Register of Legislative Instruments.

### **Consultation**

Consultation was not undertaken and was not considered necessary as Carrick Institute of Education Pty Ltd has voluntarily de-registered as a training organisation on the national register, and Carrick Institute of Education Pty Ltd is the only VET provider affected by the Instrument.

## **Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

### **Notice of revocation of approval**

The Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The Instrument is made by the Minister under clause 29B of Schedule 1A to the Act. The purpose of the Instrument is to revoke Carrick Institute of Education Pty Ltd as a VET provider for the purposes of the VET FEE-HELP under the Act. For automatic revocation as a VET Provider the Minister must be satisfied that the body meets the requirements of paragraph 29B(1)(a) of Schedule 1A to the Act.

### **Human rights implications**

The Instrument engages the right to education, contained in Article 13 of the International Covenant on Economic, Social, and Cultural Rights. This Instrument has no effect on the provision of vocational education and training by Carrick Institute of Education Pty Ltd as it is no longer a registered training organisation and has no students enrolled. This instrument revokes its approval as a VET provider for the purposes of the VET FEE-HELP under the Act, as removing its ability to offer VET FEE-HELP assistance is consistent with the decision by Carrick Institute of Education Pty Ltd to cease to provide training courses and all previously enrolled students were transferred to ongoing institutions to continue their studies.

The right to education is engaged, as the Instrument removes Carrick Institute of Education Pty Ltd as a VET provider for the purposes of VET FEE-HELP under the Act.

### **Conclusion**

This Instrument is compatible with human rights because it advances the protection of human rights.