

**EXPLANATORY STATEMENT**

*Migration Regulations 1994*

**ELIGIBLE EDUCATION PROVIDERS AND EDUCATIONAL BUSINESS**

**PARTNERS 2016**

*(Clauses 572.112, 573.112, 574.112 and 575.112)*

1. Instrument IMMI 16/003, Eligible Education Providers and Educational Business Partners 2015 is made under clauses 572.112, 573.112, 574.112 and 575.112 of Schedule 2 to the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 15/132 (F2015L01820) under subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. The purpose of the Instrument is to remove the Melbourne Institute of Training and Technology Pty Ltd; Metro College of Technology Pty Ltd; and Australian Institute of Professional Education Pty Ltd and their nominated business partners from the list of Non-University Education Providers.
4. The Instrument operates to specify:
  - a) education providers as eligible education providers; and
  - b) education providers as educational business partners of the eligible education providers,

for Subclass 572 – Vocational Education and Training Sector; Subclass 573 – Higher Education Sector; and Subclass 574 – Postgraduate Research Sector Student visas; and to specify education providers as eligible education providers for Subclass 575 – Non-award Sector Student visas.

5. Consultation was undertaken before this Instrument was made with the Australian Skills Quality Authority and the Commonwealth Department of Education and Training.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20112).
7. Under section 44 of the *Legislative Instruments Act 2003*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. This Instrument, IMMI 16/003, commences on the day after it is registered on the Federal Register of Legislative Instruments.