EXPLANATORY STATEMENT

Instrument of approval pursuant to subsection 16-50(1)
of the Higher Education Support Act 2003

Higher Education Provider Approval (No. 2 of 2009)

Issued by the authority of the Minister for Education

Subject: Higher Education Support Act 2003
Higher Education Provider Approval pursuant to section 16-25 and
subsection 16-50(1) of the Higher Education Support Act 2003

Section 16-25 of the Higher Education Support Act 2003 (‘the HESA’) empowers the Minister to,
in writing, approve a body corporate as a higher education provider. Subsection 16-50(1) of the
HESA provides that the Minister must decide an application for approval as a higher education
provider, and must cause the applicant to be notified in writing regarding whether or not the
applicant is approved as a higher education provider.

The instrument of approval is made pursuant to subsection 16-50(1) of the HESA. The
instrument approves and gives notice of approval of the Canberra Institute of Technology as a
higher education provider.

Consultation was not undertaken and was not considered necessary in this case because the
instrument confers a benefit on Canberra Institute of Technology and the Canberra Institute of
Technology is the only body affected by the instrument. This instrument will not have a direct or
substantial indirect effect on business, nor will it restrict competition.

Commencement

In accordance with section 16-55 of the HESA and subsection 12(3) of the Legislative
Instruments Act 2003, the approval takes effect on the day after the last day on which a House
of Parliament could have passed a resolution disallowing the notice.