EXPLANATORY STATEMENT

Approval and Notice of approval under clauses 6 and 11 of Schedule 1A of the Higher Education Support Act 2003

VET Provider Approval No. 24 of 2010

Issued by the authority of the
Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Subject: Higher Education Support Act 2003 (HESA)
VET Provider approval and notice of approval under clauses 6 and 11 of Schedule 1A of HESA

Authority

Schedule 1A of HESA makes provision for the VET FEE-HELP Assistance Scheme. Clause 6 of Schedule 1A provides for the approval of bodies as VET Providers by the Minister, while clause 11 of Schedule 1A provides that the Minister must decide an application for approval as a VET Provider (paragraph 11(1)(a)) and cause the applicant to be notified in writing whether or not the applicant is approved as a VET Provider (paragraph 11(1)(b)).

Subclause 12(1) of HESA stipulates that a notice of approval of a body as a VET Provider is a legislative instrument.

Under section 238-5 of HESA the Minister has delegated his powers under clauses 6 and 11 of Schedule 1A of HESA to an APS employee in the Department.

Purpose

This instrument approves Mertise Pty Ltd as a VET Provider under Clause 6 of Schedule 1A of HESA and as a consequence decides the application of Mertise Pty Ltd for the purposes of paragraph 11(1)(a) of Schedule 1A of HESA. The instrument also gives Mertise Pty Ltd notice of that approval for the purposes of paragraph 11(1)(b) of Schedule 1A of HESA.

Background

VET FEE-HELP is an income contingent loan scheme for the vocational education and training (VET) sector that is part of the Higher Education Loan Program (HELP). It is an extension of the higher education FEE-HELP arrangements.

VET FEE-HELP assists eligible students to pay for all or part of their VET tuition fees when studying one or more of the following eligible accredited VET courses of study: diploma; advanced diploma; graduate certificate; and graduate diploma.
Bodies corporate which are also Registered Training Organisations (RTOs) are able to apply to become approved as VET providers. If approved, a VET provider will be able to offer VET FEE-HELP assistance to its eligible students.

**Commencement**
In accordance with subclause 12(2) of Schedule 1A of HESA and paragraph 12(1)(d) of the Legislative Instruments Act 2003, the notice and the decision to approve Mertise Pty Ltd as a VET provider take effect on the day after the notice is registered on the Federal Register of Legislative Instruments.

**Consultation**
Consultation was not undertaken and was not considered necessary in this case because the notice confers a benefit on Mertise Pty Ltd and this body is the only body affected by the notice. This notice will not have a direct or substantial indirect effect on business, nor will it restrict competition.