Higher Education Support Act 2003

Higher Education Support (Australian Business Academy Pty Ltd) VET Provider Approval Revocation 2017

Authority

The Higher Education Support Act 2003 (the Act) provides the Commonwealth with powers to give financial support for higher education and certain vocational education and training (VET) through grants and other payments to providers, and through financial assistance to students (usually in the form of loans).

Schedule 1A to the Act provides for loans, called VET FEE-HELP assistance, to be made available to students enrolled in certain VET courses. A body has to be approved by the Minister as a VET provider before its students can receive VET FEE-HELP.

Paragraph 29B(1)(a) of Schedule 1A to the Act provides that the Minister must revoke the approval of a body if the body ceases to be listed as a registered training organisation on the National Register maintained in accordance with section 216 of the National Vocational Education and Training Regulator Act 2011.

Subclause 29B(4) of Schedule 1A to the Act provides that the revocation takes effect on the day that the notice is registered in the Federal Register of Legislation.

Under paragraph 238-5(1)(b) of the Act, the Minister has delegated the Minister’s powers under subclauses 29B(1) and 29B(2) of Schedule 1A to the Act to an APS employee with a classification of SES Employee Band 1 or higher with responsibility for the administration of the VET FEE-HELP scheme.

Purpose

The purpose of this legislative instrument (the Instrument) is

(a) to revoke the approval of Australian Business Academy Pty Ltd (ABA) as a VET provider; and

(b) to revoke the legislative instrument Higher Education Support Act 2003 - VET Provider Approval (No. 4 of 2009) (F2009L00216).

Background

ABA was approved by the Minister’s delegate as a VET provider pursuant to Higher Education Support Act 2003 - VET Provider Approval (No. 4 of 2009) which was registered on the former Federal Register of Legislative Instruments on 28 January 2009 (F2009L00216).
In November 2016, ABA gave written notice to the Australian Skills Quality Authority (ASQA), the National VET Regulator, of its intention to withdraw its VET registration as a training organisation.

In accordance with section 42 of the National Vocational Education and Training Regulator Act 2011, ASQA may allow an organisation’s registration to be withdrawn if it is satisfied, in all the circumstances, that it is appropriate to do so.

ASQA was satisfied that it was appropriate to withdraw ABA’s registration as a registered training organisation. Accordingly, ABA ceased to be listed as a registered training organisation on the National Register on 19 December 2016.

This Instrument is a notice of revocation given under subclause 29B(2) of Schedule 1A to the Act.

In accordance with paragraph 29(a) of Schedule 1A to the Act, a body ceases to be approved as a VET provider if a decision to revoke the approval is in effect under Subdivision 5-AA, which includes a decision made under subclause 29B(1).

Consistent with the requirements of subclause 29B(4) of Schedule 1A to the Act, the revocation takes effect on the day that the Instrument is registered in the Federal Register of Legislation.

Consultation

Consultation was not undertaken about the making of this Instrument and was not considered necessary as the revocation of the approval as a VET provider of ABA is for the purposes of VET FEE-HELP, and ABA is the only body affected by the Instrument.

ABA voluntarily requested that its registration as a registered training organisation be withdrawn. ASQA was satisfied that it was appropriate to withdraw ABA’s registration as a registered training organisation.

As ABA was no longer listed on the National Register as a registered training organisation, pursuant to subclause 29B(1) of Schedule 1A to the Act, the Minister was required to revoke its approval as a VET provider.

The Instrument is a legislative instrument for the purposes of the Legislation Act 2003 (subclause 29B(3) of Schedule 1A to the Act) but section 42 of the Legislation Act 2003 (disallowance) does not apply to this Instrument.
Details of the **Higher Education Support (Australian Business Academy Pty Ltd) VET Provider Approval Revocation 2017**

Section 1 - Name

This section provides that the name of the Instrument is the *Higher Education Support (Australian Business Academy Pty Ltd) VET Provider Approval Revocation 2017* (the Instrument).

Section 2 - Commencement

This section provides that the Instrument commences on the day that the Instrument is registered on the Federal Register of Legislation. This is consistent with the requirement in subclause 29B(2) of Schedule 1A to the Act.

Section 3 - Authority

This section provides that the authority for the Instrument is under clause 29B of Schedule 1A to the Act.

Section 4 - Definitions

This section provides definitions for terms used in the Instrument.

Section 5 – Notice of Decision to Revoke Approval as a VET Provider

This section makes it clear that Australian Business Academy Pty Ltd’s approval as a VET provider is revoked.

It also revokes the legislative instrument (*Higher Education Support Act 2003 - VET Provider Approval (No.4 of 2009)*) which notified of its original approval as a VET provider.