

EXPLANATORY STATEMENT

Approval and Notice of approval under section 16-25 and subsection 16-50(1) of the Higher Education Support Act 2003

Higher Education Provider Approval No. 3 of 2011

Issued by the authority of the Minister for Tertiary Education

Subject: *Higher Education Support Act 2003 (HESA)*
**Higher Education Provider approval and notice of approval under section 16-25 and
subsection 16-50(1) of HESA**

Authority

Section 16-25 of HESA provides for the approval of bodies as Higher Education Providers by the Minister, while subsection 16-50(1) of HESA provides that the Minister must decide an application for approval as a higher education provider (paragraph 16-50(1)(a)) and cause the applicant to be notified in writing whether or not the applicant is approved as a higher education provider (paragraph 16-50(1)(b)).

Subsection 16-55(1) of HESA stipulates that a notice of approval of a body as a higher education provider is a legislative instrument.

Under section 238-5 of HESA the Minister has delegated his powers under section 16-25 and subsection 16-50(1) of HESA to an APS employee in the Department.

Purpose

This instrument approves the Technical and Further Education Commission as a higher education provider under section 16-25 of HESA and as a consequence decides the application of the Technical and Further Education Commission for the purposes of subsection 16-50(1)(a) of HESA. The instrument also gives the Technical and Further Education Commission notice of that approval for the purposes of subsection 16-50(1)(b) of HESA.

Commencement

In accordance with subsection 16-55(2) of HESA and paragraph 12(1)(d) of the *Legislative Instruments Act 2003*, the notice and the decision to approve the Technical and Further Education Commission as a higher education provider takes effect on the first business day after it 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 the Technical and Further Education Commission 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.