

## **EXPLANATORY STATEMENT**

Notice of revocation of approval as a provider on request by the provider under subclause 39(1) of Schedule 1A to the *Higher Education Support Act 2003*

**Issued by the authority of the Minister for Education**

### **Authority**

Subclause 39(1) of Schedule 1A to the *Higher Education Support Act 2003* (the Act) provides for the revocation of approval of a body as a VET provider by the Minister if the body requests in writing that the Minister revoke its approval. Subclause 39(3) of Schedule 1A to the Act specifies that the Minister must cause the body to be notified of the revocation in writing at least 14 days before the day on which the revocation is to take effect.

Under paragraph 238-5(1)(b) of the Act, the Minister has delegated his powers under subclauses 39(1) and 39(3) of Schedule 1A to the Act, to the position of Director, Strategy and Operations, Student Support Branch in the Tertiary Quality and Student Support Division of the Department of Industry.

Subclause 39(4) of Schedule 1A to the Act stipulates that a notice of revocation under subclause 39(3) of Schedule 1A to the Act is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

### **Purpose**

This legislative instrument (the Instrument) revokes the approval of ICHM Pty Ltd as a VET provider under subclause 39(1) of Schedule 1A to the Act.

### **Background**

ICHM Pty Ltd was approved as a VET provider on 14 October 2008 by Instrument of Approval No. 6 of 2008 and was registered on the Federal Register of Legislative Instruments on the 14 October 2008.

On 30 September 2013, ICHM Pty Ltd requested in writing that its approval as a VET provider be revoked.

### **Commencement**

The notice of revocation shall commence on 31 October 2013.

### **Consultation**

Consultation was not undertaken and was not considered necessary as ICHM Pty Ltd has voluntarily requested revocation of its approval as a VET provider for the purposes of VET FEE-HELP, and ICHM Pty Ltd is the only VET provider affected by the Instrument.

## **Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

### **Notice of Revocation of approval as a provider on application**

The Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The Instrument is made by the Minister under subclause 39(1) of the Act. The purpose of the Instrument is to revoke the approval of ICHM Pty Ltd as a VET provider for the purposes of VET FEE-HELP under the Act. Under subclause 39(1) of Schedule 1A to the Act an approved VET provider must request in writing that their approval be revoked.

### **Human rights implications**

The Instrument engages the right to education, contained in Article 13 of the International Covenant on Economic, Social, and Cultural Rights. In particular, the Instrument has an effect on the provision of vocational education and training by ICHM Pty Ltd as it revokes its approval as a VET provider for the purposes of VET FEE-HELP under the Act, removing its ability to offer VET FEE-HELP assistance to its eligible students.

The right to education is engaged, as the Instrument removes the approval of ICHM Pty Ltd as a VET provider for the purposes of VET FEE-HELP under the Act. However the right is unaffected as it does not remove ICHM Pty Ltd's approval to deliver education and training to students.

### **Conclusion**

This Instrument is compatible with human rights because it does not affect the protection of human rights.