

EXPLANATORY STATEMENT

Notice of Revocation of Ministerial Direction No. 2 of 2013

Issued by the Minister for Education

Authority

The Notice of Revocation of Ministerial Direction No. 2 of 2013 (the Instrument) is made by the Minister of Education under subsection 155(1) of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act) and subsection 33(3) of the *Acts Interpretation Act 1901* (Acts Interpretation Act).

Subsection 155(1) of the TEQSA Act enables the Minister to give written directions, by legislative instrument, to the Chief Executive Officer of the Tertiary Education and Quality Standards Agency (TEQSA) about the performance of his or her functions and the exercise of his or her powers.

Subsection 33(3) of the Acts Interpretation Act provides that, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose and explanation

The purpose of the Instrument is to revoke Ministerial Direction No. 2 of 2013 made on 22 October 2013 (F2013L01824), which directed TEQSA's Chief Executive Officer to consult and seek advice on a range of matters and to detail deregulatory initiatives undertaken to improve the efficiency and timeliness of TEQSA's core compliance activities. Ministerial Direction No. 2 of 2013 is no longer required as each of the matters specified in that Direction is either outdated or is now addressed through amendments to the TEQSA Act.

Commencement

The Instrument commences on the day after it is registered on the Federal Register of Legislation.

Regulation Impact Statement

There are no regulatory impacts associated with the revocation of Ministerial Direction No. 2 of 2013 (Office of Best Practice Regulation reference 24991).

Consultation

TEQSA has been advised of the proposed revocation of Ministerial Direction No. 2 of 2013. Higher education providers were consulted as part of the Review of the Impact of the TEQSA Act on the Higher Education Sector by Deloitte Access Economics in 2016-17.

Statement of Compatibility with Human Rights

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

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This legislative instrument (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 Instrument

The purpose of the Notice of Revocation of Ministerial Direction No.2 of 2013 (the Instrument) is to revoke Ministerial Direction No. 2 of 2013 made on 22 October 2013 (F2013L01824), which directed the Chief Executive Officer of the Tertiary Education and Quality Standards Agency (TEQSA) to consult and seek advice on a range of matters and to detail deregulatory initiatives undertaken to improve the efficiency and timeliness of TEQSA's core compliance activities. Ministerial Direction No. 2 of 2013 is no longer required as each of the matters specified in that Direction is either outdated or is now addressed through amendments to the TEQSA Act.

Human rights implications

The Instrument revokes a Ministerial Direction that is no longer required. The revocation does not engage or in any way diminish the human rights or freedoms listed in the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Conclusion

The Instrument is compatible with human rights because it does not raise any human rights issues.

DAN TEHAN
Minister for Education