

## **EXPLANATORY STATEMENT**

### ***Tertiary Education Quality and Standards Agency (Information) Guidelines 2017 (Amendment) No 2 of 2022***

Issued by the authority of the Tertiary Education Quality and Standards Agency (TEQSA)

#### **Authority**

Section 204 of the *Tertiary Education Quality and Standards Agency Act 2011* (the Act) allows TEQSA to make, by legislative instrument, Information Guidelines.

#### **Purpose and Description of the provisions**

The *Tertiary Education Quality and Standards Agency (Information) Guidelines 2017* (Information Guidelines 2017) is a legislative instrument that sets out the Commonwealth authorities and the State or Territory authorities to which TEQSA may disclose higher education information under sections 189 and 194 of the Act.

#### **Amendments**

This amending instrument inserts new Item 9C into the table set out at Schedule A of the Information Guidelines 2017. Item 9C adds 'AUSTRAC' to the list of Commonwealth, State and Territory authorities to which TEQSA may disclose higher education information under sections 189 and 194 of the Act.

This addition is made to correct an error. AUSTRAC was included in the list of authorities set out in the 2016 version of Information Guidelines (*Tertiary Education Quality and Standards Agency (Information) Guidelines 2016*). However, due to human error, AUSTRAC was not include in the list of authorities set out at Schedule A of the Information Guidelines 2017.

This amending instrument also amends Item 41 of the table set out at Schedule A of the Information Guidelines 2017 and inserts new table Item 41A. Item 41 of the table currently lists the 'Department of Education, Skills and Employment' as one of the authorities that TEQSA may disclose higher education information to.

As a result of recent machinery of government changes, functions previously provided to the 'Department of Education, Skills and Employment' have now been split between the new Department of Education and the new Department of Employment and Workplace Relations. This amending instrument addresses these changes by amending Item 41 of the table at Attachment A to the Information Guidelines 2017 to list the 'Department of Education' and inserting new Item 41A to list the 'Department of Employment and Workplace Relations'.

#### **Commencement**

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*. The instrument will commence in accordance with the table set out in section 2 of the instrument.

## **Consultation**

No consultation was necessary for these amendments.

TEQSA did not consult with stakeholders before accidentally removing AUSTRAC from the list of authorities in the table at Schedule A of the Information Guidelines and this amendment simply corrects that error.

The amendment made to Item 41 of the list of authorities, and the addition of new Item 41A, are technical amendments designed to address recent machinery of government changes.

## Statement of Compatibility with Human Rights

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

### Tertiary Education Quality and Standards Agency (Information) Guidelines 2017 (Amendment) No.2 of 2022

This Legislative 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 purpose of this instrument is to update the list of authorities set out at Attachment A to the *Tertiary Education Quality and Standards Agency (Information) Guidelines 2017* (Information Guidelines 2017) to rectify previous errors and reflect recent machinery of government changes.

#### Human rights implications

##### *Right to Education*

The Instrument engages the right to education, contained in Article 13 of the International Covenant on Economic, Social, and Cultural Rights. In particular, this Instrument has an effect on the provision of education services by providers.

To the extent that the right to education is engaged, this right is promoted by the Instrument, which improves the capacity to share information between agencies, thereby reducing the need for multiple collections of information and allowing higher education providers to focus on the delivery of high quality education.

#### Conclusion

This Instrument is compatible with human rights because it advances the protection of the right to education.

*Peter Coaldrake*

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Professor Peter Coaldrake  
Chief Commissioner

*Joan Cooper*

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Professor Joan Cooper  
Commissioner

*Adrienne Nieuwenhuis*

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*Stephen Somogyi*

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