

EXPLANATORY STATEMENT

Tertiary Education Quality and Standards Agency (Information) Guidelines 2017 - Amendment No. 2 of 2021

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

Subject: *Tertiary Education Quality and Standards Agency
(Information) Guidelines 2017*

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

Schedule A replaces the Schedule in the current instrument with a new Schedule. The Schedule made by this instrument is substantially the same with exception to the addition of the Department of Education South Australia. This addresses an oversight to ensure that each of the state and territory departments responsible for higher education in Australia are included in the schedule.

Commencement

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003* and will commence on the day after registration on the Federal Register of Legislation.

Consultation

TEQSA published draft Information Guidelines and an accompanying consultation paper on TEQSA's website (<https://www.teqsa.gov.au/consultation>) in March 2020. TEQSA sought public submissions on the Draft Information Guidelines within a month of the date on which the paper was published. TEQSA also referred to the consultation paper in its monthly electronic newsletter distributed to higher education providers, peak bodies and other stakeholders. At that time TEQSA received only one submission in response to the consultation, which welcomed the proposed addition of the Office of the Training Advocate (SA). TEQSA has not published a consultation paper for the amendment to the Information Guidelines as the amendment is minor in nature and is a correction of an oversight. Given TEQSA consulted with the sector more broadly in March 2020 and received only one submission, public consultation was not necessary on this occasion.

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 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 the instrument is to set out the Commonwealth authorities and the State or Territory authorities to which the Tertiary Education Quality and Standards Agency (TEQSA) may disclose higher education information under section 189 and 194 of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act).

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, this instrument has an effect on the provision of education services by higher education providers.

To the extent that the right to education is engaged, this right is promoted by the Legislative Instrument, by improving 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 human rights.

Professor Peter Coaldrake
Chief Commissioner

Professor Cliff Walsh
Commissioner

Professor Joan Cooper
Commissioner