

EXPLANATORY STATEMENT

Guidelines issued under subsection 238-10 of the Higher Education Support Act 2003

Commonwealth Scholarships Guidelines

Issued by the authority of the Minister for Education, Science and Training

Subject: *Higher Education Support Act 2003*
Commonwealth Scholarships Guidelines

Section 238-10 of the *Higher Education Support Act 2003* provides that the Minister may make guidelines for the purposes of the Act.

The purpose of the Commonwealth Scholarships Guidelines is to provide for Commonwealth Scholarships under section 46-20 of the *Higher Education Support Act 2003*. These include Commonwealth Scholarships, Australian Postgraduate Awards, Endeavour International Postgraduate Research Scholarships, and Indigenous Staff Scholarships.

Commonwealth Scholarships may be directly-paid or indirectly-paid to higher education students.

The last (third) amendment to the Commonwealth Scholarships Guidelines was registered on the Federal Register of Legislative Instruments on 26 June 2007. The purpose of this amendment is to give effect to a number of measures announced in the 2007-08 Budget, including:

- The establishment of new categories of Commonwealth Education Costs Scholarships (CECS) and Commonwealth Accommodation Scholarships (CAS) for Associate Degree Scholarships, Indigenous Enabling Scholarships and Indigenous Access Scholarships;
- A requirement that universities offer a Commonwealth Scholarship at the time an offer of a place is made; and
- The change of name from Commonwealth Learning Scholarships to Commonwealth Scholarships.

CONSULTATION

Following the Budget announcement in May 2007, the Department of Education, Science and Training (the Department) undertook a series of State-based equity forums to consult with the higher education sector about the new administrative measures and new scholarship types. Discussion Papers were also distributed for comment and the majority of providers lodged submissions.

Following this consultation the Guidelines are also being amended to include:

- A transition process until 2009 for providers that are not able to offer scholarships at the time as a place in 2008;
- A reallocation mechanism for universities that have not been able to award their full allocation of scholarships in previous years;
- Flexibility around the low socio-economic status requirement for Indigenous Access Scholarship recipients and priority for allocating these scholarships for students that move from rural and regional Australia; and

- A technical amendment to the CAS eligibility requirements to allow students that move from rural or regional Australia to undertake vocational education and training for two years prior to university and be eligible for a scholarship once they commence higher education study.

SUMMARY OF PROVISIONS

Table of Contents

The Table of Contents has been updated to reflect changes in the Commonwealth Scholarship Guidelines.

Chapter 1

1.5 – Interpretation

This section has been updated to include definitions for the AQF (Australian Qualifications Framework), Associate Degree, commencing scholarship holder, commencing student, continuing scholarship holder, course start date, CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students), CS (Commonwealth Scholarships), eligible enabling course, HEIMS (Higher Education Information Management System), mixed mode, and the Secretary. The majority of these definitions relate to the expansion of the Commonwealth Scholarships to include scholarships for associate degree, enabling courses and Indigenous students.

The definitions for CAS and CECS have also been updated to incorporate the new categories of each of the scholarships.

Chapter 2

Throughout this chapter, the reference to Commonwealth Learning Scholarships and its abbreviation, CLS, have been updated to Commonwealth Scholarships and CS in light of the 2007-08 Budget announcement.

2.1 has been amended to provide greater clarity around the programme objectives, particularly in respect to Indigenous students.

2.1.1 has been updated to include a description for each of the new categories of scholarships.

2.1.1(1)(g) For technical and administrative purposes, Indigenous Access Scholarships are referred to in the Guidelines as *CAS-Indigenous Payment*. For promotional purposes, the name Indigenous Access Scholarships will continue to be used when referring to these scholarships.

2.1.5 has been updated to specify that a Commonwealth Scholarship is an indirectly-paid scholarship.

2.5.1 has been updated to incorporate the allocation method for each of the new scholarship categories.

2.5.5(4) has been included to provide the Department with flexibility to withhold scholarships from providers that, in any of the previous two years, have not been able to award their full allocation of scholarships.

2.5.5(5) has been included so that CECS and CAS are allocated in a way that has regard to the requirement in 2.15.5(9) – (12) that providers who award a CAS-Indigenous Payment to a student must also provide a CECS and, where eligible, a CAS.

2.5.5(6) – (10) have been included to provide for the allocation of each of the new categories of scholarships.

2.5.10 has been amended to stipulate a date that providers can advise the Department of any unallocated scholarships for that year. It also provides for the reallocation of any of these scholarships.

2.10.1 has been updated to include basic eligibility requirements for each of the new categories of scholarship. This section includes eligibility requirements as well as stating the eligibility requirements for students progressing from one scholarship category to another.

2.10.1(8) has been included to confirm that access to one or more categories of scholarships is limited to eight scholarship periods.

2.10.1(9) has been included to confirm that students accessing an enabling course scholarship and then progressing to an undergraduate course are limited to ten scholarship periods.

2.10.5(2) has been included to provide flexibility when providers are assessing low socio-economic status for the CAS-Indigenous Payment.

2.10.10(2) has been amended to broaden the example of factors that a provider may take into account when determining whether a student can be exempted from the full-time study requirement.

2.10.15(1)(a) has been amended to take into account students that have moved between courses or providers.

2.10.15(1)(a)(iv) has been included to provide flexibility for students who move from a regional or remote area of Australia to undertake vocational education and training prior to the commencement of their university course of study.

2.15.1(2) has been included to give providers the ability to quarantine from the competitive allocation process a small number of scholarships for students from low socio economic backgrounds to support targeted special access schemes.

2.15.5(3) has been amended to incorporate the new categories of scholarships in relation to awarding a fair proportion of these scholarships to Indigenous students.

2.15.5(5) – (8) have been included to determine the priority in which providers must award their allocation of scholarships to Indigenous students, including Indigenous enabling scholarships and CAS-Indigenous Payments.

2.15.5(9) – (12) have been included to require providers who award a CAS-Indigenous Payment to also provide the student with a CECS, and where eligible, a CAS.

2.15.10(3) has been amended to incorporate the amendment to 2.15.1(2) as well as the CECS and CAS which are offered to students outside of the competitive application process, such as in relation to CAS-Indigenous Payment recipients.

2.15.10(5) has been included to meet the policy objective that scholarships are to be offered within 5 working days of the offer of a university place.

2.15.10(6) has been included to give flexibility for a transition to 2009 for those providers that cannot meet the requirement of making a scholarship offer within 5 working days of offering a university place, as specified in 2.15.10(5).

2.15.10(7) and (8) have been included to give providers flexibility to make subsequent and mid-year scholarship offers.

2.15.15 has been included to enable the Australian Government to issue scholarship recipients with a letter and commemorative certificate from the Minister.

2.20(4) has been included to provide for the payment of the new CAS-Indigenous Payment.

2.20(6) has been included to give providers an assurance from the student that the student has not accepted another offer of a CAS-Indigenous Payment, which is a once in a lifetime payment.

2.20(7) and (8) have been included to provide for payment issues pertaining to the new CAS-Indigenous Payment.

2.20.1 has been amended to avoid the need to annually update the Guidelines to confirm scholarship values.

2.20.5 has been amended to include the payment arrangements for each of the new scholarship categories.

2.25.5(2) has been included to regulate the granting of suspensions of a scholarship for students progressing from one category of scholarship to another.

2.25.10 has been amended to include the maximum duration of a scholarship for each category of scholarship.

2.25.15(1)(c)(ii) has been amended to limit the reference to serious misconduct to that committed during a course of study whilst a student is attending the higher education provider.

2.25.20 has been amended to limit the contact a provider makes with a student who has provided false or misleading information. As this clause relates to the student possibly committing an offence under the Criminal Code (Cwth) against the Commonwealth, rather than against the university, the university should not make contact with the student in relation to the matter as it may jeopardise the investigative process and the collection of evidence which may be needed for any subsequent prosecution. Officers of the Department's National Investigations Unit are required to conduct any enquiries in accordance with the Australian Government Investigation Standards, the Fraud Control Policy of the Commonwealth and various statutory provisions governing investigatory and forensic processes.

Chapter 3

No changes

Chapter 4

No changes

Chapter 5

5.5.1 has been amended to include the grant amounts for 2008.

5.5.5 has been amended to include the stipend value and payment of tuition fees and/or student contribution amounts for 2008.

5.15.1(1) the website reference has been updated.

5.20.5 has been amended to include the stipend amount for 2008.

5.20.10 has been amended to include the tuition fees and student contribution amounts for 2008.

5.25.1 has been amended to include the stipend value and payment of tuition fees and/or student contribution amounts for 2008.

COMMENCEMENT

The amendments to the Guidelines will come into effect on 1 January 2008.