

Commonwealth of Australia

Higher Education Support Act 2003

COMMONWEALTH SCHOLARSHIPS GUIDELINES

Amendment of Guidelines pursuant to section 238-10 of the *Higher Education Support Act 2003*

I, JULIE BISHOP, Minister for Education, Science and Training, pursuant to section 238-10 of the *Higher Education Support Act 2003* ("the Act"), make the attached amendment to the Commonwealth Scholarships Guidelines for the purposes of Part 2-4 of the Act.

Dated this.....9th.....day of.....October.....2007.

JULIE BISHOP
Minister for Education, Science and Training

COMMONWEALTH OF AUSTRALIA

Higher Education Support Act 2003

Guidelines for Commonwealth Scholarships

(i) CITATION

These Guidelines may be cited as Amendment No. 4 to the Commonwealth Scholarships Guidelines.

(ii) AUTHORITY

These Guidelines are made under subsection 238-10(1) of the *Higher Education Support Act 2003 (the Act)*.

(iii) DATE OF EFFECT

These Guidelines will come into effect on 1 January 2008.

(iv) AMENDMENT

These Guidelines amend the Commonwealth Scholarships Guidelines which were registered on 20 September 2005 and which commenced on 1 January 2006 (see F2005L02715) and their subsequent amendments, No. 1 (F2006L03667) which commenced from 18 November 2006, No. 2 (F2006L05735) which commenced retrospectively from 1 January 2006 and No. 3 (F2007L01824) which commenced retrospectively from 1 January 2007.

ITEM 1

Repeal the table of contents and substitute:

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ITEM 2

Repeal Chapter 1 and substitute:

CHAPTER 1 INTRODUCTION

1.1 PURPOSE

The purpose of these Guidelines is to provide for Commonwealth Scholarships under section 46-20 of the *Higher Education Support Act 2003 (the Act)*.

The Privacy Act 1988

In administering the Act, DEST is bound by the provisions of the *Privacy Act 1988*.

Freedom of information

All documents created or held by the Department in relation to the CS programme are subject to the *Freedom of Information Act 1982* ("FOI Act"). Unless a document falls under an exemption provision, it will be made available to the general public if requested under the FOI Act.

1.5 INTERPRETATION

1.5.1 Unless the contrary intention appears, the terms used in these Guidelines have the same meaning as in *the Act*.

1.5.5 In these Guidelines, unless the contrary intention appears:

the Act

means the *Higher Education Support Act 2003*

<i>administering provider</i>	is the higher education <i>provider</i> that is administering the scholarship on behalf of the Commonwealth Government
<i>APA</i>	means an Australian Postgraduate Award as outlined at Chapter 3 of these Guidelines
<i>AQF</i>	means the Australian Qualifications Framework as specified at http://www.aqf.edu.au/aqfqual.htm
<i>ASGC Remoteness Areas</i>	means the Australian Standard Geographical Classification Remoteness Areas as described in the Australian Institute of Health and Welfare 2004 publication, ' <i>Rural, Regional and Remote Health: A Guide to Remoteness Classifications</i>
<i>Associate Degree</i>	means a qualification as defined in the Australian Qualifications Framework: Associate Degree Guidelines.
<i>CAS</i>	means an Ordinary-CAS; a CAS-Associate Degree; a CAS-Indigenous Enabling; and a CAS-Indigenous Payment, more fully described in paragraph 2.1.1 of these Guidelines.
<i>CECS</i>	means an Ordinary-CECS; a CECS-Associate Degree; and a CECS-Indigenous Enabling, more fully described in paragraph 2.1.1 of these Guidelines.
<i>commencing scholarship holder</i>	means a student in their first scholarship period
<i>Commencing student</i>	means a student undertaking a course at entry level for the first time with that eligible scholarship provider.
<i>continuing scholarship holder</i>	means a student in their second or subsequent scholarship period
<i>Course start date</i>	means for students commencing study at a tertiary institution, the start of the orientation period (commonly known as O Week), or if students do not attend the orientation period, the actual day the course starts i.e. the first day of classes.
<i>CRICOS</i>	means the Commonwealth Register of Institutions and Courses for Overseas Students
<i>CS</i>	means a Commonwealth Scholarship specified in paragraph 2.1.1 of these Guidelines.
<i>date of commencement</i>	in respect of an <i>ISS</i> , is the date that <i>DEST</i> receives the Letter of Acceptance signed by the successful student
<i>Department</i>	means the Australian Government Department of Education, Science and Training

<i>DEST</i>	means the Australian Government Department of Education, Science and Training
<i>DIAC</i>	means the Australian Government Department of Immigration and Citizenship
<i>Employing provider</i>	in respect of an <i>ISS</i> , is the higher education <i>provider</i> that is employing the recipient of the <i>ISS</i>
<i>Employment</i>	in respect of an <i>ISS</i> , means all tenured and contract positions within the public higher education sector
<i>Eligible Enabling Course</i>	means an enabling course as defined in Schedule 1 of the <i>Higher Education Support Act 2003</i> ; with the additional provisions that it must be at least 10 weeks in duration; provide a pathway into an undergraduate course; and not be a course aimed at fast-tracking an undergraduate degree.
<i>eligible scholarship provider</i>	means higher education providers listed at http://www.goingtouni.gov.au/Main/FeesLoansAndScholarships/Undergraduate/Scholarships/Commonwealth+Learning+Scholarships/EligibleCommonwealthLearningScholarshipProviders.htm
<i>Endeavour IPRS</i>	means an Endeavour International Postgraduate Research Scholarship, as outlined at Chapter 4 of these Guidelines and supersedes the former International Postgraduate Research Scholarships program
<i>Full-time student load</i>	in respect of a scholarship, is at least 75% of an equivalent full-time student load (EFTSL) in the <i>scholarship period</i> for which the scholarship is being paid
<i>HDR</i>	means a Higher Degree by Research which is a Doctorate or Masters course for which at least two-thirds of the student load for the course is required as research work
<i>HEIMS</i>	means the Higher Education Information Management System
<i>Indigenous</i>	for the purposes of Chapter 2 and 5 of these Guidelines, means a person who is a member of the Aboriginal race of Australia or a descendant of the Indigenous inhabitants of the Torres Strait Islands
<i>IHEAC</i>	means the Indigenous Higher Education Advisory Council
<i>Internal student</i>	means a student who, for the majority of units of study in which they are enrolled in the <i>scholarship period</i> , is required to attend on a regular basis the campus of the <i>administering provider</i> or a host <i>provider</i> approved by the <i>administering provider</i> through a cross-institutional arrangement

<i>ISS</i>	means an Indigenous Staff Scholarship as outlined at Chapter 5 of these Guidelines
<i>mixed mode</i>	means a course delivered through a combination of distance education and face-to-face teaching for Indigenous students who are based in their home communities and need regular on-campus tuition to complement the distance education component of the course.
<i>the Minister</i>	means the Minister of the Department of Education, Science and Training.
<i>National Priority Student</i>	means a Commonwealth supported student occupying a place referred to in sub-section 30-10(4) of the <i>Act</i> .
<i>provider</i>	means a higher education <i>provider</i>
<i>recipient</i>	means an eligible student who has accepted and is in receipt of the CS
<i>Research Doctorate</i>	has the meaning as described in the Australian Qualifications Framework
<i>Research Masters</i>	has the meaning as described in the Australian Qualifications Framework
<i>scholarship period</i>	in respect of a CS, means a six-month period from either 1 January to 30 June or 1 July to 31 December
<i>the Secretary</i>	means the Secretary of the Department of Education, Science and Training.
<i>study period</i>	in respect of an <i>Endeavour IPRS</i> , is a period of study for which a student is liable to pay all or part of the cost of a course that is specified in the CRICOS listing
<i>suspension</i>	in respect of a scholarship, means a period of time during which a scholarship holder is not receiving scholarship payments

1.5.10 Any reference to a part, division or section of *the Act* is a reference to that part, division or section as in force from time to time.

1.5.15 Terms used in these Guidelines that are in italics have the meaning stated in paragraph 1.5.5 of these Guidelines.

ITEM 3

Repeal Chapter 2 and substitute:

CHAPTER 2 COMMONWEALTH SCHOLARSHIPS

2.1 PROGRAMME OBJECTIVES

The objectives of the CS Programme are to facilitate choice in higher education and to increase higher education participation by students from low socio-economic backgrounds, particularly *Indigenous* students and students from regional and remote areas.

The primary aim of the CAS-Indigenous Payment scholarships is to improve higher education access for Indigenous people, particularly those who need to relocate from regional and remote areas, through a once in a lifetime payment to take up an undergraduate or eligible higher education enabling course. The CAS-Indigenous Payment is targeted at commencing students.

2.1.1 Description of Scholarships

- (1) The following CS, which are standard scholarships, for the purposes of paragraph 46-10(a) of *the Act*:
 - (a) Commonwealth Education Costs Scholarships, with up to four years of funding available, to assist with general education costs (*Ordinary-CECS*);
 - (b) Commonwealth Accommodation Scholarships, with up to four years of funding available, to assist with accommodation costs (*Ordinary-CAS*);
 - (c) Commonwealth Education Costs Scholarships, with up to two years of funding, to assist with general education costs for Associate Degrees (*CECS-Associate Degree*);
 - (d) Commonwealth Accommodation Scholarships, with up to two years of funding, to assist with accommodation costs for Associate Degrees (*CAS-Associate Degree*);
 - (e) Commonwealth Education Costs Scholarships, with up to one year of funding, to assist *Indigenous* students with general education costs to undertake an eligible enabling course (*CECS-Indigenous Enabling*);
 - (f) Commonwealth Accommodation Scholarships, with up to one year of funding, to assist *Indigenous* students with accommodation costs to undertake an eligible enabling course (*CAS-Indigenous Enabling*); and
 - (g) Commonwealth Accommodation Scholarships, through a once-only scholarship payment, to assist *Indigenous* students to undertake either an eligible enabling course or an undergraduate course (*CAS-Indigenous Payment*).

2.1.5 Class of Commonwealth Scholarship

A CS is an indirectly-paid standard scholarship, under paragraph 46-10(aa) of *the Act*.

2.5 GRANTS

2.5.1 How Grant Amounts are to be Determined

The maximum amount of CS grant to be paid to an *administering provider* under section 46-13 and 46-15 of *the Act* for a year will equal the sum of the *CECS* grant amount and the *CAS* grant amount. Grant amounts are calculated for each CS category specified in paragraph 2.1.1 of these Guidelines as follows:

Grant Amount = Number of CS in the category allocated to the *administering provider*, as x Value of the CS

determined under paragraphs 2.5.5(1), 2.5.5(2) and 2.5.5(6) to (10) of these Guidelines

2.5.5 How the Allocation of CS to a Provider will be Determined

Ordinary-CECS

- (1) The number of *Ordinary-CECS* allocated to an eligible *administering provider* will be determined as follows:

Number of <i>Ordinary-CECS</i> to be allocated to the <i>provider</i>	=	Number of <i>CECS</i> allocated to the <i>administering provider</i> over the previous three years	+	Total number of new <i>Ordinary-CECS</i> x (A x 30% + B x 50% + C x 20%) or as determined in accordance with paragraph (4) below
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- Where:
- A** is the average over the most recent two years for which data are available of the *provider's* proportion of all Commonwealth supported, full-time, undergraduate students who are enrolled at all eligible scholarship *providers*;
 - B** is the average over the most recent two years for which data are available of the *administering provider's* proportion of all Commonwealth supported, full-time undergraduate students from a low socio-economic background who are enrolled at all eligible scholarship *providers*; and
 - C** is the average over the most recent two years for which data are available of the *provider's* proportion of all Commonwealth supported, full-time undergraduate, *Indigenous* students who are enrolled at all eligible scholarship *providers*.

Ordinary-CAS

- (2) The number of *Ordinary-CAS* allocated to an eligible scholarship *provider* will be determined as follows for scholarships specified in paragraph 2.1.1(1)(b) of these Guidelines:

Number of <i>Ordinary-CAS</i> to be allocated to the <i>provider</i>	=	Number of <i>CAS</i> allocated to the <i>administering provider</i> over the previous three years	+	Total number of new <i>Ordinary-CAS</i> x (A x 30% + B x 50% + C x 20%) or as determined in accordance with paragraph (4) below
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- Where:
- A** is the average over the most recent two years for which data are available of the *provider's* proportion of all Commonwealth supported, full-time, undergraduate students who are enrolled internally at all eligible scholarship *providers*;

- B** is the average over the most recent two years for which data are available of the *administering provider's* proportion of all Commonwealth supported, full-time, undergraduate students with a low socio-economic background, from regional and remote areas who are enrolled internally at all eligible scholarship *providers*; and
 - C** is the average over the most recent two years for which data are available of the *provider's* proportion of all Commonwealth supported, full-time, undergraduate, *Indigenous* students who are enrolled internally at all eligible scholarship *providers*.
- (3) Where the data referred to in paragraphs 2.5.5(1) and (2), above, is not available in relation to a *provider* that is not a *Table A provider*, a number of *CECS* and/or *CAS* may be allocated to the *provider*.
 - (4) For *administering providers* that have been unable to award their full allocation of *Ordinary-CECS* or *Ordinary-CAS* in any of the previous two years, a number of *Ordinary-CECS* or *Ordinary-CAS* may be withheld from that provider and may be reallocated to other providers in accordance with the allocation process referred to in paragraphs 2.5.5(1) and (2) above.
 - (5) A number of *Ordinary-CECS* and *Ordinary-CAS* will be withheld from the allocation process set out in paragraphs 2.5.5(1) and (2) above and allocated to administering providers that are allocated *CAS-Indigenous Payments* to enable *CAS-Indigenous Payment* recipients to receive an *Ordinary-CECS* **and**, where eligible, an *Ordinary-CAS* in line with the requirements set out in paragraphs 2.15.5(9) to (12) of these Guidelines.

CECS-Associate Degree

- (6) The number of *CECS-Associate Degree* for scholarships specified in paragraph 2.1.1(1)(c) of these Guidelines will be determined as follows
 - (a) Scholarships will be allocated to eligible scholarship *providers* that offer eligible *Associate Degree* courses, in accordance with identified selection criteria and/or priorities as specified by the Minister through a competitive bidding process administered by *DEST*.

CAS-Associate Degree

- (7) The number of *CAS-Associate Degree* allocated to an eligible scholarship *provider* will be determined as follows for scholarships specified in paragraph 2.1.1(1)(d) of these Guidelines:
 - (a) Scholarships will be allocated to eligible *providers* that offer eligible *Associate Degree* courses, in accordance with identified selection criteria and/or priorities as specified by the Minister through a competitive bidding process undertaken by *DEST*.

CECS-Indigenous Enabling

- (8) The number of *CECS-Indigenous Enabling* allocated to an eligible scholarship *provider* will be determined as follows for scholarships specified in paragraph 2.1.1(1)(e) of these Guidelines:
 - (a) Scholarships will be allocated to eligible providers that offer *eligible enabling courses*, in accordance with identified selection criteria and/or priorities as

specified by the Minister through a competitive bidding process administered by *DEST*.

CAS-Indigenous Enabling

- (9) The number of *CAS-Indigenous Enabling* allocated to an eligible scholarship *provider* will be determined as follows for scholarships specified in paragraph 2.1.1(1)(f) of these Guidelines:
- (a) Scholarships will be allocated to eligible scholarship *providers* that offer *eligible enabling courses*, in accordance with identified selection criteria and/or priorities as specified by the Minister through a competitive bidding process undertaken by *DEST*.

CAS-Indigenous Payment

- (10) The number of *CAS-Indigenous Payment* scholarships allocated to an eligible scholarship *provider* will be determined as follows for scholarships specified in paragraph 2.1.1(1)(g) of these Guidelines:
- (a) Scholarships will be allocated to eligible providers that offer eligible enabling or undergraduate courses in accordance with identified selection criteria as specified by the Minister through:
- (i) a data driven base allocation based on a provider's enrolment of commencing Indigenous full-time undergraduate students in Commonwealth supported place averaged over the past two years; and/or
- (ii) the outcomes of a competitive bidding process undertaken by *DEST*.
- (b) A scholarship *provider* will provide those students who are awarded a *CAS-Indigenous Payment*, with a *CECS* and, where eligible, a *CAS*, relevant to the student's level of study, from the *provider's* allocation of *CECS* and *CAS* scholarships.
- (c) If a *provider's* total allocation of *CAS-Indigenous Payment* scholarships are not awarded in the current year, the provider must request *the Secretary's* permission to roll over the unspent grant amount to the next scholarship period. *The Department* will make the appropriate adjustment in the next year by deducting the number of unawarded *CAS-Indigenous Payment* scholarships from the allocations made in accordance with paragraph 2.5.5(10)(a) of these Guidelines. Under section 46-35 of *the Act* the *Secretary* may determine other conditions to apply to the unspent grant amount.

2.5.10 Return and Reallocation of Unawarded CS

- (1) Where a higher education *provider* believes that it does not have sufficient student demand to allocate all of its scholarships, it can advise *the Department* by 30 April each year of how many CSs it cannot allocate and return them to *the Department*.
- (2) *DEST* may reallocate *CECS* and *CAS* that were returned by higher education *providers* under paragraph 2.5.10(1) above.
- (3) If a higher education *provider* cannot award a minimum of 75% of the number of the scholarships outlined in paragraph 2.1.1 that they are allocated in a given year, *the Minister* may do one of the following:
- (a) require the eligible scholarship *provider* to return the allocation of the unawarded *CECS* and/or *CAS* to *DEST* for reallocation; or

- (b) grant permission to the higher education *provider* to convert *CAS* to *CECS* or *CECS* to *CAS*. This provision will only apply within the same category of *CS*. For example, converting an *Ordinary-CAS* to an *Ordinary-CECS*.

2.10 STUDENT ELIGIBILITY REQUIREMENTS

Under paragraphs 46-13(f), 46-20(1A)(c) and 46-20(2)(c) of *the Act*, student eligibility requirements may be specified for direct and indirect paid *CSs*.

2.10.1 Basic Eligibility Requirements

- (1) A student is not eligible for an *Ordinary-CECS* if they have already received an *Ordinary-CECS* for the maximum duration, as defined in paragraph 2.25.10 of these Guidelines.
- (2) A student is not eligible for an *Ordinary-CAS* if they have already received an *Ordinary-CAS* for the maximum duration, as defined in paragraph 2.25.10 of these Guidelines.
- (3) A student is not eligible for a *CECS-Associate Degree* if they have already received a *CECS-Associate Degree* for the maximum duration, as defined in paragraph 2.25.10 of these Guidelines.
- (4) A student is not eligible for a *CAS-Associate Degree* if they have already received a *CAS-Associate Degree* for the maximum duration, as defined in paragraph 2.25.10 of these Guidelines.
- (5) A student is not eligible for a *CECS-Indigenous Enabling* if they have already received a *CECS-Indigenous Enabling* for the maximum duration, as defined in paragraph 2.25.10 of these Guidelines.
- (6) A student is not eligible for a *CAS-Indigenous Enabling* if they have already received a *CAS-Indigenous Enabling* for the maximum duration, as defined in paragraph 2.25.10 of these Guidelines.
- (7) A student is not eligible for a *CAS-Indigenous Payment* if they have previously received a *CAS-Indigenous Payment*.
- (8) The maximum duration a student can have access to one or more scholarships described in paragraph 2.1.1 is for a total of eight *scholarship periods*.
- (9) However, students accessing *CECS-Indigenous Enabling* or *CAS-Indigenous Enabling* scholarships who progress to an undergraduate course are excluded from this provision and can have access to one or more scholarships described in paragraph 2.1.1 for a total of ten *scholarship periods*.
- (10) To be eligible for an *Ordinary-CECS* or an *Ordinary-CAS*, a student must, by the first census date (as determined in accordance with section 169-25 of *the Act*) of the *scholarship period*:
 - (a) be an Australian citizen or the holder of a permanent humanitarian visa; and
 - (b) be enrolled or undertaking a course (for the purposes of cross-institutional studies) with the eligible scholarship *provider* as a Commonwealth supported student, as defined in *the Act*, and
 - (c) be enrolled or undertaking a course (for the purposes of cross-institutional studies) with the eligible scholarship *provider* in:
 - (i) an undergraduate course of study (not limited to areas of National Priority) or;

- (ii) a graduate diploma (or equivalent postgraduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority; and
 - (d) meet the low socio-economic status requirements specified in section 2.10.5 of these Guidelines; and
 - (e) meet the full-time student requirements specified in section 2.10.10 of these Guidelines; and
 - (f) not already have completed the requirements of a course of study (with any *provider*) regarded by the eligible scholarship *provider* to be equivalent to or higher than an Australian bachelor's award, unless each such award is a prerequisite to their current undergraduate course of study or graduate diploma (or equivalent postgraduate course of study) in an area of National Priority required for initial registration and there is no alternative pathway into that course of study at that eligible scholarship *provider*. Note: a CS is intended primarily for students undertaking an initial qualification.
- (11) Students who undertake a component of their course:
- (a) overseas; or
 - (b) with a host *provider* approved by the eligible scholarship *provider* through a cross-institutional arrangement
- will not be precluded from accessing a CS, if the component of the course is approved by their eligible scholarship *provider*, and will count towards course requirements for the course in which the student is enrolled.
- (12) To be eligible for a *CECS-Associate Degree* or *CAS-Associate Degree*, students must
- (a) meet the basic eligibility requirements of paragraph 2.10.1(10) above with the exception of 2.10.1(10)(c);
 - (b) be enrolled in an *Associate Degree* course;
 - (c) meet the other eligibility requirements as specified in 2.10.1(3) or (4) above; and
 - (d) in the case of *CAS-Associate Degree* meet the additional *CAS* eligibility requirements as specified in section 2.10.15 of these Guidelines.
- (13) Students wishing to move from a *CECS-Associate Degree* or *CAS-Associate Degree* scholarship to an *Ordinary-CECS* or *Ordinary-CAS* will be required to apply and be assessed against the selection criteria outlined in 2.10.1(10) of these Guidelines with other applicants for an *Ordinary-CECS* and *Ordinary-CAS* scholarship. These students will only be able to access four scholarship periods of an *Ordinary-CECS* or *Ordinary-CAS*, in accordance with paragraph (8) above.
- (14) To be eligible for a *CECS-Indigenous Enabling* or *CAS-Indigenous Enabling*, students must
- (a) meet the basic eligibility requirements of paragraph 2.10.1(10) above with the exception of 2.10.1(10)(c);
 - (b) be enrolled in or undertaking an *eligible enabling course*;
 - (c) be an *Indigenous* person (refer to paragraph 2.10.1(16) below); and
 - (d) meet other eligibility requirements as specified in paragraph 2.10.1(5) or (6) above; and
 - (e) in the case of *CAS-Indigenous Enabling* meet the additional *CAS* eligibility requirements as specified in section 2.10.15 of these Guidelines.
- (15) Students wishing to move from a *CECS-Indigenous-Enabling* or *CAS-Indigenous Enabling* scholarship to an *Ordinary-CECS* or *Ordinary-CAS* which are offered by another provider

will be required to apply and be assessed against the selection criteria outlined in 2.10.1(10) of these Guidelines with other applicants for an *Ordinary-CECS* and *Ordinary-CAS* scholarship at that provider.

(16) To be eligible for a *CAS-Indigenous Payment*, a student must:

(a) be an Australian citizen; and

(b) be an *Indigenous* person

A person will be considered to be an *Indigenous* person for the purpose of a CS where the person:

(i) is of Australian Aboriginal or Torres Strait Islander descent; and

(ii) identifies as an Australian Aboriginal or Torres Strait Islander; and

(iii) is accepted as an Australian Aboriginal or Torres Strait Islander in the community in which he/she lives or has lived.

(A student's declaration of their Aboriginality or Torres Strait Islander status during the CS application process should normally be accepted as sufficient evidence of their Indigenous status. However, where it is disputed or uncertainty exists as to the Aboriginality or Torres Strait Islander status of the student, evidence will be required to establish that he or she is an Aboriginal or Torres Strait Islander person. The following documentation is acceptable in confirming a student's status as an *Indigenous* person: an affirmation signed by the student, declaring that he/she identifies as an Australian Aboriginal or Torres Strait Islander; and a letter signed by the Chairperson of an Aboriginal and Torres Strait Islander incorporated organisation in a community in which the student lives or has previously lived.); and

(c) be:

(i) a commencing student enrolled in or undertaking a course (for the purposes of cross-institutional studies) with the eligible scholarship *provider* as a Commonwealth supported student, as defined in *the Act*; or

(ii) have accepted the offer of a place as a Commonwealth supported student, as defined in *the Act*; and

(d) be a commencing student, and:

(i) have accepted the offer of a place in; or

(ii) be enrolled in; or

(iii) undertaking a course (for the purposes of cross-institutional studies) with the eligible scholarship *provider* in an eligible enabling course or an undergraduate course of study; and

(e) meet the low socio-economic status requirements specified in section 2.10.5 of these Guidelines; and

(f) meet, or intend to meet, the full-time student requirements specified in section 2.10.10 of these Guidelines; and

(g) not already have completed the requirements of a course of study (with any *provider*) regarded by the eligible scholarship *provider* to be equivalent to or higher than an Australian bachelor's award; and

(h) In exceptional circumstances, if a continuing student is required, as part of their course, to undertake study in a location distant from their previous place of study, providers may give consideration to these students when awarding a *CAS-Indigenous Payment*.

2.10.5 Low Socio-Economic Status Requirements

- (1) A student is not eligible for a CS unless the eligible scholarship *provider* that is to award the CS is satisfied that the student is able to demonstrate low socio-economic status either:
 - (a) through being in receipt of a means-tested Commonwealth income support payment (such as Austudy, ABSTUDY, Youth Allowance, etc); or
 - (b) on the basis of a comprehensive assessment conducted by or on behalf of the eligible scholarship *provider*.
- (2) For the purpose of the *CAS-Indigenous Payment*, when assessing for low socio-economic status, assessors can have regard to the range of disadvantages which may affect the immediate financial status of Indigenous students accessing higher education. Such factors may include geographical isolation, stability of financial status, and family circumstances, such as illness or bereavement which affect the level of family financial support.

2.10.10 Full-time Student Requirements

- (1) A student undertaking (or intending to undertake, for the purpose of *CAS-Indigenous Payment*) less than a *full-time student load* is not eligible for a CS unless there are exceptional circumstances which prevent the student from studying full-time.
- (2) The decision that a person cannot study full-time due to exceptional circumstances is to be made by the eligible scholarship *provider*. An eligible scholarship *provider* must take into account factors such as *eligible enabling course* requirements, disability, significant family care responsibilities, *Indigenous* community responsibilities, and course constraints outside a student's control in determining student's inability to undertake a *full-time student load*.
- (3) A student whose course load falls below a *full-time student load* must have their eligibility status reviewed, in accordance with the ongoing eligibility requirements under paragraph 2.25.1 of these Guidelines and will be ineligible to retain their CS unless the eligible scholarship *provider* determines that there are exceptional circumstances which prevent the student from continuing to study on a full-time basis.

2.10.15 Additional CAS Eligibility Requirements

- (1) In addition to the eligibility requirements defined in section 2.10 of these Guidelines and, where applicable, any further criteria specified by the eligible scholarship *provider* under paragraph 2.15.5(4), for a student to be eligible for a CAS, the eligible scholarship *provider* must be satisfied that:
 - (a) within the four years immediately preceding the commencement of the current higher education course of study (including study within another program or at another provider, where the student has transferred):
 - (i) the student has lived in a regional or remote area of Australia for a total of at least three years; or
 - (ii) the student completed the final two years of schooling in a high school or college in a regional or remote area; or
 - (iii) it was necessary for the student to live away from their regional or remote home to complete the whole or the majority of their secondary schooling at a high school or college in a major city; or

- (iv) the student has lived in a regional or remote area of Australia for a total of at least two years, and the student has relocated from the regional or remote area of Australia to undertake vocational education and training (eg TAFE) for a maximum of two years duration immediately preceding the commencement of their undergraduate course; and
 - (b) it was necessary for the student to move from the regional or remote area in order to undertake higher education study; and
 - (c) as a result of (b), the student will incur additional accommodation costs; and
 - (d) the student is enrolled as an *internal student* in units of study that form part of the course of study the student is undertaking unless the student can demonstrate the need to move, in accordance with paragraph 2.10.15(3).
- (2) In determining a student's eligibility for a CAS, the eligible scholarship *provider* must determine whether the student has lived in a regional or remote area consistent with paragraph 2.10.15(1)(a) above. *Providers* should be guided by the ASGC *Remoteness Areas* classification as described in the Australian Institute of Health and Welfare 2004 publication, 'Rural, Regional and Remote Health: A Guide to Remoteness Classifications'. The classifications are:

Major Cities of Australia	(MC),
Inner Regional Australia	(IR),
Outer Regional Australia	(OR),
Remote Australia	(R), and
Very Remote Australia	(VR).

An eligible scholarship *provider* must deem a student ineligible if they have come from a locality belonging to the MC classification. The remaining classifications may assist in assessing students' applications for CAS.

- (3) For the purpose of determining under paragraph 2.10.15(1)(b) the necessity for the student to move, a student should normally be enrolled as an *internal student* to be deemed eligible for CAS unless the student can demonstrate that there are exceptional circumstances preventing them from doing so, including, but not limited to the following:
- (a) the need for the student to attend classes or access other study related facilities on the campus at which the student is enrolled with the eligible scholarship *provider* or a host *provider* approved by the eligible scholarship *provider* through a cross-institutional arrangement;
 - (b) the distance from the student's home to the relevant campus;
 - (c) the availability and quality of transport infrastructure between the student's home and the relevant campus; and
 - (d) limitations on the student's mobility due to disability and/or carer responsibilities.

2.15 APPLICATION, SELECTION AND OFFER PROCESSES AND POLICIES

The eligible scholarship *administering providers* are responsible for the CS application, selection and offer processes and must make information about the processes, policies and conditions of scholarship readily and publicly available.

2.15.1 Applications

- (1) Eligible scholarship *providers* must conduct a competitive application process for awarding CS.

- (2) With the agreement of DEST, eligible scholarship providers may wish to quarantine a small proportion (no more than 10%) of their CS allocation for students who are identified by the eligible scholarship provider as coming from a disadvantaged background and participate in a scheme to facilitate access to the provider for students from a low socio-economic background. Providers must ensure that these students meet the eligibility criteria before payment of a scholarship. This process will enable providers to award these quarantined scholarships outside of the competitive application process to encourage disadvantaged students to enter higher education through special access schemes.
- (3) Applications for CS must be submitted in the form approved and by the date determined by the eligible scholarship *provider*.
- (4) Eligible scholarship *providers* must include the following statement on the application form, immediately prior to the applicant's signature block: "Giving false or misleading information is a serious offence under the Criminal Code (Commonwealth)".

2.15.5 Selection Policy

- (1) An eligible scholarship *provider* must maintain a CS selection policy which accords with these Guidelines and the fairness requirements in subdivision 19-D of Part 2-1 of *the Act*. Each *provider* must select students for a CS in accordance with its selection policy.
- (2) An eligible scholarship *provider's* selection policy must specify that a student is not to be selected for a CS unless the eligible scholarship *provider* is satisfied that the student meets or, by the first census date (as determined in accordance with section 169-25 of *the Act*) of the *scholarship period* and before any CS payment is made, will meet, the eligibility criteria as set out in section 2.10 of these Guidelines.
- (3) An eligible scholarship *provider's* selection policy must specify that special consideration will be given to *Indigenous* students applying directly for a *CECS* or *CAS* and who are not awarded a *CAS-Indigenous Payment* to ensure a fair proportion of the *administering provider's Ordinary-CECS, Ordinary-CAS, CECS-Associate Degree* and *CAS-Associate Degree* scholarships are awarded to *Indigenous* students. A fair proportion means that the proportion of scholarships to be awarded to *Indigenous* students should be at least equal to the proportion of all eligible *Indigenous* applicants. That is, if there are 100 total eligible applicants for 20 scholarships and 20 eligible applicants are *Indigenous*, a minimum of four *Indigenous* applicants (20% of total *Indigenous* eligible applicants) should be awarded scholarships.
- (4) An eligible scholarship *provider's* selection policy may preclude students who are in receipt of other types of scholarships and awards from selection for a CS.

Priority for the offer of a CS for students progressing from a *CECS-Indigenous Enabling* and/or *CAS-Indigenous Enabling*

- (5) If a provider offers a student a *CECS-Indigenous Enabling* and/or *CAS-Indigenous Enabling* scholarship, then the *provider* must award that student with a *CECS* or *CAS* relevant to the student's level of study if the student has successfully completed the enabling course and progresses to an undergraduate course offered by the *provider*.
- (6) If a student receives a *CECS-Indigenous Enabling* and/or *CAS-Indigenous Enabling* scholarship, but, after successful completion of the enabling course, chooses to progress to an undergraduate course of study offered by another provider, that *provider* must give these students priority when allocating its Associate Degree and Ordinary scholarships.

Priority for the offer of *CAS-Indigenous Payments*

- (7) In determining the allocation of *CAS-Indigenous Payments* to eligible students under paragraph 2.10.1(16), the scholarship *provider* should consult with the *provider's Indigenous* support / education centre, where one exists, and must give priority in its allocation to students who have to relocate to attend their course of study and are in accordance with the additional CAS eligibility requirements as outlined in section 2.10.15 of these Guidelines.
- (8) In determining the allocation of *CAS-Indigenous Payments* to eligible students under paragraph 2.10.1(16), the scholarship provider must give priority to those eligible students who need to relocate from regional and remote areas to undertake their studies and who meet the additional CAS requirements under 2.10.15. A provider may offer a *CAS-Indigenous Payment* to other eligible students who do not meet the additional CAS requirements under 2.10.15, but only if sufficient numbers of *CAS-Indigenous Payments* are held by that provider. A student who is offered a *CAS-Indigenous Payment*, but who does not meet the additional CAS requirements under 2.10.15, will only be eligible to receive a *CECS*.

Link between *CAS-Indigenous Payment* and *CECS* and *CAS*

- (9) Where a *provider* offers a *CAS-Indigenous Payment* to an eligible student who relocates to undertake their studies and meets the additional CAS requirements under 2.10.15, then the *provider* must also provide the student with a *CAS* scholarship relevant to the student's level of study (for example, a *CAS-Associate Degree* scholarship if the student is enrolled in an Associate Degree course), and a *CECS*.
- (10) Where a provider offers a *CAS-Indigenous Payment* to an eligible student who relocates to undertake their studies, but does not meet the additional CAS requirements as outlined in section 2.10.15, then the *provider* must also provide the student with a *CECS* relevant to the student's level of study (for example, a *CECS-Associate Degree* scholarship if the student is enrolled in an Associate Degree course).
- (11) Where a provider offers a *CAS-Indigenous Payment* to an eligible student who does not relocate to take up their studies, the *provider* must also provide the student with a *CECS* relevant to the student's level of study (for example, a *CECS-Associate Degree* scholarship if the student is enrolled in an Associate Degree course).
- (12) Where a provider offers a *CAS-Indigenous Payment* to an eligible student who is in receipt of the ABSTUDY Residential Costs Option or assistance under an Away-From-Base for *mixed-mode* delivery allowance, where students are enrolled in an eligible *mixed-mode* course, then the *provider* must also provide the student with a *CECS* relevant to the student's level of study (for example, a *CECS-Associate Degree* scholarship if the student is enrolled in an Associate Degree course).

2.15.10 Offer Process

- (1) Where there are sufficient eligible applicants, an eligible scholarship *provider* must offer at least the number of CS it is allocated in accordance with section 2.5.5 of these Guidelines.
- (2) An eligible scholarship *provider* may offer additional CS where such offers can be supported through its CS allocation, taking into account any liabilities arising from additional scholarship offers and the *suspension* of scholarships by its students. The *administering provider* is responsible for managing and funding any liabilities above their allocation.

- (3) An eligible scholarship *provider* may only offer a student a CS as a result of an application lodged as part of a competitive application process, with the exception of:
 - (a) those students who, further to the offer of a *CAS-Indigenous Payment*, are offered a *CECS* or a *CAS* under paragraphs 2.15.5(9) to (12) above; or
 - (b) those students who, having been in receipt of either a *CECS-Indigenous Enabling* or a *CAS-Indigenous Enabling* scholarship, upon successful completion of the enabling course, progress to either an *Ordinary-CECS* or *Ordinary-CAS*, or a *CECS-Associate Degree* or a *CAS-Associate Degree* scholarship; or
 - (c) those students who have been offered a CS through the process determined in 2.15.1(2) above.
- (4) An eligible scholarship provider must offer a CS to a student in writing and advise the student in writing of the assistance to which they are entitled and the conditions of the CS as specified at section 2.25 of these Guidelines.
- (5) Where there are sufficient eligible applicants, at least 80% of a *provider's* scholarship offers to prospective *commencing* students must be made within 5 working days of the provider offering a prospective *commencing* student a Commonwealth-supported place. Such offers must be made on the condition that the student is eligible to receive payment of a CS on the student's first census date for the *scholarship period*.
- (6) In 2008, if a *provider* cannot make scholarship offers within the timeframe specified in paragraph 2.15.10(5), it must notify the Minister by 1 November 2007 that it will be delaying the compliance with paragraph 2.15.10(5) until 2009. All *providers* must meet the conditions specified in paragraph 2.15.10(5) for 2009.
- (7) Where not all scholarships offered are accepted by students, *providers* may make second and subsequent round offers to students who were deemed eligible through the *provider's* assessment process.
- (8) *Providers* may offer mid year scholarships where such scholarships can be supported through their CS allocation.
- (9) Eligible scholarship *providers* must ensure that students, at the time of accepting an offer of a CS:
 - (a) accept the conditions of the CS; and
 - (b) agree to provide personal information on request in order to assess the student's ongoing eligibility for a CS.

2.15.15 Letters and Certificates to students

- (1) *DEST* will issue to a new CS recipient a commemorative certificate and letter in the form approved by the *Minister*.
- (2) *DEST* is bound by the Privacy Act 1988. Eligible scholarship providers must ensure that the students give their permission for certain information which is collected to be passed from the *provider* to *DEST* for the purpose of enabling the Australian Government to issue the certificate and letter. This information includes the student's name, address, and scholarship type. These students must be advised that if they do not provide this information it may not be possible for the Australian Government to issue a scholarship certificate to the student.
- (3) Subject to paragraph (4) below, providers must provide the information specified in (2) above no later than 15 working days after the *commencing scholarship holder's* first census date, or first course start date for eligible enabling courses. Information pertaining

to *continuing scholarship holders* must be submitted no later than required in the standard reporting requirements provided by *HEIMS*.

- (4) In relation to *CAS-Indigenous Payment* recipients, providers must provide the information specified in (2) above to *DEST* no later than 15 working days after the student has accepted the scholarship.

2.20 PAYMENTS TO STUDENTS

- (1) An eligible scholarship provider must pay the value of a *CS* to a student who is awarded a *CS* in accordance with these Guidelines.
- (2) An eligible scholarship *provider* must spend *CECS* grant amounts only on the making of *CECS* payments to students awarded a *CECS* who are undertaking their enabling course of study, undergraduate course of study or graduate diploma (or equivalent postgraduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority area with the eligible scholarship *provider*.
- (3) An eligible scholarship *provider* must spend *CAS* grant amounts only on *CAS* payments to students awarded a *CAS* who are undertaking their enabling course of study, undergraduate course of study or graduate diploma (or equivalent postgraduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority area with the eligible scholarship *provider*.
- (4) An eligible scholarship provider must spend *CAS-Indigenous Payment* grant amounts only on *CAS-Indigenous Payments* to students awarded a *CAS-Indigenous Payment* who are undertaking their eligible enabling course of study or undergraduate course of study.
- (5) *CS* grants may only be used for *CS* payments.
- (6) Students must state if they have consumed any entitlement of a *CS* with the provider, or any other eligible scholarship provider. Prior to payment of a *CAS-Indigenous Payment*, the student must sign a declaration stating they have not accepted the offer of a *CAS-Indigenous Payment* at any other eligible scholarship provider.
- (7) For the *CAS-Indigenous Payment*, the *provider* must ensure that the student that has been offered a scholarship meets the eligibility criteria referred to in paragraph 2.10.1(16) of these Guidelines at the time the student accepts the scholarship offer in order for the student to receive the first payment of this scholarship.
- (8) For the *CAS-Indigenous Payment*, students that receive the first payment of this scholarship, but for legitimate and genuine reasons, do not meet the eligibility requirements at the student's first census date, may not be required to repay the first scholarship payment. It is the responsibility of the provider to determine if a student's reasons are legitimate and genuine.

2.20.1 Value of Scholarships and Indexation Arrangements

- (1) The scholarship values will be indexed annually in accordance with Part 5-6 of *the Act*.
- (2) The Australian Government will advise the value of a scholarship by 1 August each year.

2.20.5 Payment Arrangements

- (1) An eligible scholarship provider will make payments directly to eligible students who have accepted the scholarship.
- (2) The payments will be made as follows:

- (a) For *Ordinary-CECS* and *Ordinary-CAS* and *CECS-Associate Degree* and *CAS-Associate Degree* offered to students before census date, one payment totalling 50% of the annual value of the CS will be made in each six-month period as soon as practicable after the student's first census date or within six weeks after the student's first census date, as determined in accordance with section 169-25 of *the Act*, for study being undertaken in that *scholarship period*.
- (b) For *Ordinary-CECS*, *Ordinary-CAS*, *CECS-Associate Degree* and *CAS-Associate Degree* offered to students on or after census date, one payment totalling 50% of the annual value of the CS will be made within six weeks of the student accepting the CS. Thereafter, one payment totalling 50% of the annual value of the CS, will be made in each six-month period as soon as practicable after the student's first census date or within six weeks after the student's first census date, as determined in accordance with section 169-25 of *the Act*, for study being undertaken in that *scholarship period*.
- (c) For *CECS-Indigenous Enabling* and *CAS-Indigenous Enabling*, one payment totalling 50% of the value of the scholarship will be made as soon as practicable after the student's first course start date, or within six weeks after the student's first course start date. The remaining 50% payment will be made in the six-month period following the student's first course start date provided the student meets all of the relevant eligibility criteria in section 2.10 of these Guidelines at the time of payment. For enabling courses that are six-months or less in duration, the student will only receive 50% of the value of the scholarship. The *provider* may award the remaining 50% of the scholarship to another eligible student undertaking a six-month enabling course.
- (d) For *CAS-Indigenous Payment* scholarships, one payment up to 50% of the value of the scholarship will be made as soon as practicable after the student has accepted the offer of the scholarship. The *provider* will pay the remaining amount as soon as practicable after the student's first census date, or within six weeks after the student's first census date, provided the student maintains enrolment and meets the other eligibility criteria at the student's first census date.

2.25 CONDITIONS OF SCHOLARSHIP

2.25.1 Ongoing Eligibility Requirements

Each eligible scholarship *provider* is responsible for monitoring the ongoing eligibility of its students to ensure that each student continues to meet the eligibility requirements for a CS as set out in section 2.10 and, where applicable, any further selection criteria specified by the eligible scholarship *provider* under paragraph 2.15.5(4) of these Guidelines. An eligible scholarship *provider* must confirm a student's eligibility for a CS prior to making a CS payment.

2.25.5 Suspension of a CS

- (1) An eligible scholarship *provider* may approve requests for periods of *suspension* of a CS in accordance with the eligible scholarship *provider's* own policies.
- (2) For student's progressing from a *CECS-Indigenous Enabling* or *CAS-Indigenous Enabling* to a *CECS-Associate Degree*, *CAS-Associate Degree*, *Ordinary-CECS* or *Ordinary-CAS*, the maximum suspension an eligible scholarship provider can allow between courses is one year.

2.25.10 Maximum Duration of a CS

The maximum duration of an *Ordinary-CECS* or *Ordinary-CAS* is eight *scholarship periods*.

The maximum duration of a *CECS-Associate Degree* or *CAS-Associate Degree* is four *scholarship periods*.

The maximum duration of a *CECS-Indigenous Enabling*, *CAS-Indigenous Enabling*, or *CAS-Indigenous Payment* is two *scholarship periods*.

2.25.15 Termination of a CS

- (1) An eligible scholarship *provider* must terminate a CS:
 - (a) if the student ceases to meet the eligibility criteria specified in section 2.10 or 2.25.1 or, where applicable, any criteria specified by the eligible scholarship *provider* under paragraph 2.15.5(4) of these Guidelines, other than during a period of approved *suspension*; or
 - (b) once the maximum duration of the CS has been reached; or
 - (c) if the eligible scholarship *provider* determines that the student:
 - (i) has failed to maintain satisfactory academic progress and there are no extenuating circumstances for such failure; or
 - (ii) has committed serious misconduct during a course of study whilst attending eligible scholarship provider including, but not limited to, the provision of false or misleading information in terms of paragraph 2.25.20 of these Guidelines
- (2) An eligible scholarship *provider* may not terminate a student's CS for any other reason.

2.25.20 Provision of False or Misleading Information

- (1) If an eligible scholarship *provider* knows or has reason to believe that a student in receipt of a CS has provided false or misleading information to the *administering provider* in relation to the CS, the *administering provider* must immediately:
 - (a) re-assess the student's entitlement to the CS; and
 - (b) notify *DEST* of the suspected offence and provide the student's application and where possible, the original copies of any other relevant information requested by *DEST*.
- (2) In *such* a situation the provider should not communicate with or alert the student to the investigation of the possible offence.
 - (a) Contact will be made in due course by officers of the Department's the National Investigations Unit.

ITEM 4

Repeal paragraph 3.25.35 and substitute:

3.25.35 Provision of False or Misleading Information

- (1) If an eligible scholarship *provider* knows or has reason to believe that a student in receipt of an *APA* has provided false or misleading information to the *administering provider* in relation to the *APA*, the *administering provider* must immediately:
 - (a) re-assess the student's entitlement to the *APA*; and
 - (b) notify *DEST* of the suspected offence and provide the student's application and where possible, the original copies of any other relevant information requested by *DEST*.
- (2) In such a situation the provider should not communicate with or alert the student to the investigation of the possible offence.
 - (a) Contact will be made in due course by officers of the Department's the National Investigations Unit.

ITEM 5

Repeal paragraph 4.25.35 and substitute:

4.25.35 Provision of False or Misleading Information

- (1) If an eligible scholarship *provider* knows or has reason to believe that a student in receipt of an *EIPRS* has provided false or misleading information to the *provider* in relation to the *EIPRS*, the *provider* must immediately:
 - (a) re-assess the student's entitlement to the *EIPRS*; and
 - (b) notify *DEST* of the suspected offence and provide the student's application and where possible, the original copies of any other relevant information requested by *DEST*.
- (2) In such a situation the provider should not communicate with or alert the student to the investigation of the possible offence.
 - (a) Contact will be made in due course by officers of the Department's the National Investigations Unit.

ITEM 6

Repeal paragraph 5.5 and substitute:

5.5 GRANTS

5.5.1 Total Grant Amounts and Indexation

The total grant amounts allocated for *ISS* for 2008 will be up to \$170,000. This amount will be indexed in subsequent years in accordance with Part 5-6 of *the Act*.

5.5.5 How Grant Amounts are to be Determined

The amount of grants to *administering providers* in 2008 for the *ISS* will be equal to the value of the stipend (\$22,700) plus up to \$11,300 for payment of the student's tuition fees and/or student contribution amounts for each *ISS* student who is studying with the *administering provider*.

ITEM 7

Repeal paragraph 5.15.10 and substitute:

5.15.10 Offer Process

- (1) A Letter of Offer will be forwarded to successful applicants. The conditions in accepting the *ISS* are outlined in paragraph 5.25 of these Guidelines. In accepting an *ISS*, the applicant is agreeing to abide by the conditions of the *ISS*. A Letter of Acceptance must be sent to the successful applicant before the *ISS* can commence (refer to paragraph 5.25.10(2)).
- (2) An *ISS* offer is made on the condition that the successful applicant is accepted into a full-time course of study leading to a higher education award with an eligible *provider* (*administering provider*). The Letter of Acceptance from the successful applicant must include evidence of being enrolled full-time.

ITEM 8

Repeal paragraph 5.20.5 and substitute:

5.20.5 Payment of Stipend to Students

The stipend for 2008 of \$22,700 (indexed annually) for each *ISS* must be paid in advance to students, each fortnight in 26 equal payments.

ITEM 9

Repeal paragraph 5.20.10 and substitute:

5.20.10 Payment of tuition fees and/or student contribution amounts

The *administering provider* will be paid \$11,300 (indexed annually) for each *ISS* it administers. This amount is made available for payment of tuition fees and/or student contribution amounts. Each scholarship holder is entitled to up to \$11,300 and any unspent funds will be recovered from the *administering provider* under *the Act*.

ITEM 10

Repeal paragraph 5.25.1 and substitute:

5.25.1 Value of the *ISS*

- (1) Students will be paid a stipend of \$22,700 in 2008 (indexed annually).
- (2) Eligible scholarship *providers* will receive up to \$11,300 in 2008 (indexed annually) to cover tuition fees and/or student contribution amounts for the course of study in which the student is enrolled.