

## **EXPLANATORY STATEMENT**

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

Amendment No 1 to the Commonwealth Scholarships Guidelines (Education) 2010

Issued by the authority of the Minister for Education

Subject:- *Higher Education Support Act 2003*  
Commonwealth Scholarships Guidelines (Education) 2010

### Authority

Section 238-10 of the *Higher Education Support Act 2003* ('the Act') provides that the Minister may, by legislative instrument, make guidelines providing for matters required or permitted by the Act or necessary or convenient to be provided in order to carry out or give effect to a Chapter, Part or section of the Act. In particular, item 3 of the table in subsection 238-10(1) of the Act empowers the Minister to make Commonwealth Scholarships Guidelines providing for the matters set out in Part 2-4 of the Act.

### Purpose and operation

This instrument amends the Commonwealth Scholarships Guidelines (Education) 2010 (DEEWR) (the Guidelines) dated 14 March 2010 (see F2010L00696), which were registered on the Federal Register of Legislative Instruments on 17 March 2010 and commenced on 18 March 2010.

Item 1 amends the Purpose of the Guidelines to clarify that matters relating to the administration and students qualifications for the Relocation and Student Start Up Scholarships are outside the remit of these Guidelines.

Item 2 substitutes the definition of AGSC Remoteness Areas with the definition developed by the Australian Bureau of Statistics updated in 2007 and based on 2006 census data.

This amendment will ensure that the Commonwealth Scholarships Guidelines are consistent with the remote areas classifications used across other government programs.

Item 3 substitutes the former remoteness classification mechanism with an updated classification mechanism and directs providers on how to access this data.

By way of typographical error, a second Item 3 amends subsections (1) to (4) of paragraph 2.10.1 to remove references to semester periods and replaces semester periods with *scholarships period* as defined at paragraph 1.5.5.

This amendment also removes reference to CAS-Indigenous Enabling and CECS - Indigenous Enabling scholarships.

The terms 'semester period' and 'scholarship period' have the same meaning, being a six-month period from either 1 January to 30 June or 1 July to 31 December, as specified in the definition of 'scholarship period' under the Interpretation clause in section 1.5 of the Guidelines.

The terms 'CECS-Indigenous Enabling' and 'CAS-Indigenous Enabling' have the same meaning, respectively, as 'Indigenous Enabling CECS' and 'Indigenous Enabling CAS'. These

terms have been used interchangeably by the sector since the inception of the former Commonwealth Scholarships Guidelines (Education) 2008.

The various versions of these terms are well known to the sector and have been, and continue to be, used interchangeably. These amendments ensure ease of understanding and clarity of terms for all readers of the Guidelines. These amendments also ensure that students are not awarded scholarships over and above their entitlement.

Item 4 amends paragraph 2.15.5 (3) to clarify that a student receiving an IAS may only be offered an Indigenous CECS or Indigenous Enabling CECS where they are eligible and subject to availability.

Item 5 amends paragraph 2.15.5 (5) to clarify that a student receiving an IAS is not precluded from receiving the Relocation and/or Student Start Up Scholarship/s. The requirement for a provider to check if an applicant is eligible for a Student Start Up Scholarship has been removed.

Item 6 amends paragraph 2.15.5 (13) and informs providers that they may seek written confirmation that the student is not receiving either a Relocation and/or Student Start Up Scholarship before making Commonwealth Scholarship payments and removes the implication that a student has a choice as to which scholarship/s he or she may receive.

This amendment does not impact on a student's eligibility for a Commonwealth Scholarship or on their ability to qualify for a Relocation and/or Student Start up Scholarship (as may be determined by Centrelink). The amendment ensures that students do not receive duplicate payments in error and reduces the possibility of a student incurring a debt to the Commonwealth.

Item 7 inserts a new provision that requires providers to make information available to assist students to understand and compare the benefits of a range of scholarships. This is a result of the amendment made by item 6 to paragraph 2.15.5 (13).

Item 8 amends paragraph 2.15.10 (7) to clarify that when finalising a mid year offer of a Commonwealth Scholarship, providers are to inform students that receiving a Commonwealth Scholarship will impact on their ability to continue to receive a Relocation and/or a Student Start up Scholarship.

This amendment reduces the possibility of a student incurring a debt to the Commonwealth.

Item 9 amends subsections 2.20 (8) and 2.20 (9) to provide clarification that a provider cannot make payments for Indigenous Commonwealth Education Costs Scholarships, Indigenous Enabling Commonwealth Education Costs Scholarships, Indigenous Commonwealth Accommodation Scholarships or Indigenous Enabling Commonwealth Accommodation Scholarships where a student remains qualified for a Student Start Up Scholarship and/or a Relocation Scholarship.

This provision does not apply to students receiving the IAS, as a student receiving an IAS may also be in receipt of a Relocation Scholarship and/or Student Start up Scholarship as per Item 5 above.

Item 10 amends section 2.50.1 on the Basic Eligibility Requirements of the Guidelines to insert additional guidance to higher education providers on the ongoing eligibility requirements that a student must maintain in order to continue to receive CAS-Ordinary, CAS-Associate Degrees, or CAS-Specialist scholarships.

### Consultation

Draft Guidelines were released to the higher education sector for comment on 14 October 2009 with comments closing on 27 October 2009. Consultation on these amendments was not undertaken as the substance of the amendments is in large part identical to the former Commonwealth Scholarships Guidelines (Education) 2008.

Feedback from the higher education sector indicated that an error occurred during the recent revocation of the former Commonwealth Scholarships Guidelines (Education) 2008 by the Guidelines whereby the ongoing eligibility requirements for the CAS-Ordinary, CAS-Associate Degrees and CAS-Specialist scholarships had been unintentionally omitted during drafting of the Guidelines.

The inclusion of paragraph 2.50.1 (9) corrects this unintended typographical error.

Other amendments have been made in response to issues arising following the implementation of the Relocation and Student Start up Scholarships by Centrelink on 1 April 2010. These amendments provide clarity to providers on the interaction of the Guidelines with Centrelink administered scholarships where necessary

Amendments have also been made in response to advice from the Senate Standing Committee on Regulations and Ordinances.

### Commencement

This legislative instrument takes effect on the day after it is registered on the Federal Register of Legislative Instruments.