

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations and the Minister for Innovation, Industry, Science and Research

Education Investment Fund (EIF) Evaluation Criteria No. 1 of 2011

Authority

Subsection 172(1) of the *Nation-building Funds Act* (the Act) provides that the *EIF designated Ministers* may, by legislative instrument, formulate criteria (*EIF Evaluation Criteria*, as defined by section 4 of the Act) to be applied by the EIF Advisory Board in giving advice under paragraph 171(1)(a) or (b) of the Act.

Section 4 of the Act defines the *EIF designated Ministers* to mean the Education Minister and the Research Minister. Section 4 of the Act defines *Education Minister* as the Minister who administers Part 2-2 of the *Higher Education Support Act 2003* and *Research Minister* as the Minister who administers the *Australian Research Council Act 2001*.

This instrument has been issued jointly by the Education Minister and the Research Minister because the definition of *EIF evaluation criteria* in section 4 of the Act requires that the *EIF designated Ministers* to formulate these criteria.

Purpose

Pursuant to subsection 172(1) of the Act, the purpose of this Instrument is to:

1. revoke the Education Investment Fund (EIF) Evaluation Criteria No. 2 of 2009, made on 31 July 2009 (the Former Instrument); and
2. formulate new *EIF evaluation criteria*. to be applied by the EIF Advisory Board in giving advice under paragraph 171(1)(a) or (b).

Background

The EIF Advisory Board must apply the *EIF evaluation criteria* when carrying out its functions under paragraphs 171(1)(a) or (b) of the Act.

The *EIF Evaluation Criteria* formulated by this Instrument are substantially similar to the previous *EIF evaluation criteria* under the Former Instrument.

This instrument amends the *EIF Evaluation Criteria* to reflect changes in national priorities to support teaching and learning infrastructure for students in regional, rural or remote areas and/or regional cities of Australia. Criterion 1 has been amended to insert the words 'and vocational education and training' and delete the words 'research' and 'and/or sustainability'.

The Instrument also provides for transitional and savings arrangements. The purpose of these arrangements is to ensure that:

- the revocation of the Former Instrument does not affect the validity of a decision made under that instrument;
- a decision made under the Former Instrument is taken to continue to have effect as if it were made under this Instrument;
- the evaluation criteria specified in the Former Instrument continues to apply to any matter that has been referred to the EIF Advisory Board pursuant to paragraph 171(1)(a) or (b) before the date of this Instrument and any matter which may be referred to the EIF Advisory Board under EIF application processes which have commenced prior to the date of this Instrument.

Explanation of provisions

Projects will be assessed according to nine evaluation criteria. These criteria are:

1. Extent to which the project will address national higher education and vocational education and training (VET) infrastructure priorities
2. Extent to which the project is clearly aligned with the organisation's priorities and strategic directions
3. Extent to which there will be a positive impact on enhancing capacity
4. Extent to which the project will result in improvements consistent with the level of investment
5. Project determination
6. Extent of collaboration
7. Extent of co-investment
8. Project readiness
9. Capacity of the organisation to support, maintain and integrate new infrastructure into ongoing business operations

Elements of specific criteria may vary depending on the sector nominated by the applicant institution for that project.

Consultation

The EIF Advisory Board, the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Innovation, Industry, Science and Research (DIISR) have conducted stakeholder consultation on draft guidelines for the EIF Regional Priorities Round by inviting stakeholders to provide comments on draft guidelines, which included the EIF Evaluation Criteria.

Commencement

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

Business Cost Calculator

This instrument does not require a Regulatory Impact Statement (RIS) or a Business Cost Calculator Figure. The instrument is not regulatory in nature and will not impact on business activity and will have no compliance costs or competition impact.