

## EXPLANATORY STATEMENT

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

*Commonwealth Scholarships Guidelines (Research) 2017*

Issued by the authority of the Minister for Education and Training

**Subject** Higher Education Support Act 2003  
Commonwealth Scholarships Guidelines (Research) 2017

### Authority

Section 238-10 of the *Higher Education Support Act 2003* (the Act) provides that the Minister may make guidelines providing for matters required or permitted by the Act necessary or convenient to be provided in order to carry out or give effect to the Act. Item 3 of the table in subsection 238-10(1) of the Act provides that the Minister may make Commonwealth Scholarship Guidelines permitted under Part 2-4 of the Act. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Section 46-5 of the Act provides that the Commonwealth Scholarships Guidelines may provide for Commonwealth scholarships. The purpose of the Commonwealth Scholarships Guidelines is to provide for the classes of Commonwealth scholarships described under section 46-10 of the Act. This includes the Research Training Program which provides for postgraduate research scholarships.

Grants are made for these Commonwealth scholarships to eligible Australian higher education providers (HEPs) which allocate the scholarships to students. HEPs are Table A providers listed in section 16-15 of the Act and Table B providers listed in section 16-20 of the Act.

### Purpose and Operation

The purpose of this legislative instrument is to revoke the *Commonwealth Scholarships Guidelines (Research) 2012* (the Former Guidelines) (see F2012L02535) and to make the *Commonwealth Scholarships Guidelines (Research) 2017* (the Guidelines).

The Guidelines set out the purpose and the programs under which grants may be made for postgraduate research scholarships under paragraph 46-10(b) of the Act.

A program has been added to the Guidelines, namely the Research Training Program (RTP).

The following schemes have been removed from the Former Guidelines as a direct result of the RTP commencing:

- the Australian Postgraduate Awards (APA) (ceasing 31 December 2016); and
- the International Postgraduate Research Scholarships (IPRS) (ceasing 31 December 2016).

APA and IPRS were two of six schemes within the suite of research block grants that will cease from 31 December 2016 following recommendations from the *Review of Research Policy and Funding Arrangements*. This review recommended that the Australian Government (Government) introduce new funding arrangements to simplify the research block grants and to provide greater encouragement of engagement and innovation in research and research training. These recommendations were accepted and announced as one of the measures in the National Innovation and Science Agenda (NISA) on 7 December 2015. RTP replaces APA,

IPRS and the Research Training Scheme (RTS) (previously made under Part 2-3 of the Act, also ceasing from 31 December 2016).

## **Commencement**

This legislative instrument will come into effect on the day after it is registered on the Federal Register of Legislation.

## **Transitional arrangements**

The revocation of the Former Guidelines does not affect the validity of a payment or decision made under the Former Guidelines. A decision made under the Former Guidelines is taken to continue to have effect as if it were made under the Guidelines.

## **Consultation**

The Chair of the *Review of Research Policy and Funding Arrangements*, Dr Ian Watt AC, consulted on proposed changes to the research block grants in 2015 through the release of an issues paper on 11 August 2015, with written submissions accepted until 18 September 2015. The review conducted a range of consultations and roundtables with universities, research bodies and institutes, business and industry leaders, and Government representatives over a period of four months to inform the recommendations of the review.

The measure introducing new research block grant funding arrangements for universities was announced as part of NISA. The measure stated that the Department of Education and Training (the department) would consult on the new program guidelines in 2016.

On 22 March 2016 the department consulted on the policy principles for the new guidelines with a reference group comprising the Deputy Vice Chancellor Research (DVCR) Executive Committee of Universities Australia (Reference Group). Universities Australia is the peak body of the university sector.

On 6 May 2016, the department released a consultation paper seeking feedback on new arrangements for research block grants and the draft program guidelines. Submissions were accepted until 25 July 2016, with the department receiving 49 submissions.

On 22 August 2016 the department consulted its Reference Group on the program guidelines revised after the public consultation process. The Reference Group was supportive of most of the policy principles and suggested amendments to the arrangements which the department considered in the final Guidelines.

## **Regulation Impact Statement**

The Office of Best Practice Regulation was consulted in the preparation of the Guidelines and determined that a Regulation Impact Statement was not required (ref 20952). While a RIS was not required, the department compiled a costing of the regulatory impact of the new guidelines and changes to data collection requirements. The costing calculated annual savings in regulation of \$2.228 million for the new research block grant arrangements, including \$2.201 million in savings for the changes to the Commonwealth Scholarships Guidelines (Research).

## **Description of provisions**

Part 1 revokes the Former Guidelines.

Part 2 establishes the Guidelines.

### Chapter i Introduction

Chapter i sets out the purpose of the Guidelines and the defined terms used in the Guidelines.

The definition of research incorporated in the Guidelines is contained in the Frascati Manual 2015, which is published by the Organisation for Economic Cooperation and Development (OECD) and used by national statistical agencies to collect research and development data. The 2015 manual is the seventh edition since 1963 with the previous version issued in 2002. The manual can be obtained from the OECD website at [www.oecd.org/publications/frascati-manual-2015-9789264239012-en.htm](http://www.oecd.org/publications/frascati-manual-2015-9789264239012-en.htm).

The definitions of Research Doctorate and Research Masters incorporated in the Guidelines are contained in the Australian Qualifications Framework (AQF) Second Edition January 2013 (2013 Framework), collectively owned by the Education, Training and Employment ministers of the Commonwealth, state and territory governments. The 2013 Framework is the second edition of the AQF with the previous version issued in 2011. The 2013 Framework can be obtained from the AQF website at [www.aqf.edu.au](http://www.aqf.edu.au).

The definitions of Fields of Education incorporated in the Guidelines are contained in the Australian Standard of Classification of Education (ASCED) issued by the Australian Bureau of Statistics (ABS) in 2001. This ASCED can be obtained from the ABS website at [www.abs.gov.au/ausstats/abs@.nsf/mf/1272.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/1272.0).

## Chapter 1 - Grants to support postgraduate research scholarships

### Research Training Program (RTP)

Paragraph 1.1 sets out the purpose of Chapter 1 of the Guidelines.

Paragraph 1.2 sets out the description of the RTP. The RTP provides block grants, on a calendar year basis, to HEPs to fund scholarships for individual students undertaking Research Masters or Research Doctorate degrees. Australia's Higher Degree by Research (HDR) system is vital to Australia's research economy and RTP funding support ensures an ongoing high quality research workforce.

Paragraph 1.3 sets out the objectives for the RTP which are to:

- provide flexible funding arrangements to support the training of domestic students and overseas students undertaking HDRs at Australian HEPs;
- deliver graduates with the skills required to build careers in academia and other sectors of the labour market;
- support collaboration between HEPs and industry and other research end-users; and
- support overseas students undertaking HDR studies at Australian HEPs.

Paragraph 1.4 sets out how the RTP grant amounts are determined.

Subparagraph 1.4.1 sets out the amount available for the RTP for the calendar year as being the amount appropriated for that purpose and indexed in accordance with the method set out in Part 5-6 of the Act. This provision is specified to remove the need to revoke and remake this chapter of the Guidelines each year to accommodate funding amount changes, and to specify that the indexation arrangements under the Act do apply.

Subparagraph 1.4.5 sets out the formula for determining the RTP Basic Grant Amount (BGA) for a HEP.

The formula allocates funding according to a HEP's relative research performance measured by success in gaining Category 1, Category 2, Category 3 and Category 4 research income and HDR student completions against other HEPs. The formula ensures that the HEPs receiving the greatest share of research income and student completions receive the greatest share of the RTP Funding Pool. The nature of income constituting each income category is specified in Chapter i. The weightings applied to HDR student completions are specified in subparagraph 1.4.10.

The shares of income and weighted student completions are used to allocate the RTP Funding Pool. The value of the Funding Pool is defined in Chapter i.

#### **Method statement for calculating a HEP's BGA:**

**Step 1** - Weighted student completions for a HEP and all eligible HEPs are calculated using the method specified in subparagraph 1.4.10.

**Step 2** - For each Grant Year a HEP's share of COMPLETIONS is calculated by the sum of that HEP's weighted HDR student completions for the two most recent years divided by the sum of weighted HDR student completions for all eligible HEPs for the two most recent years.

**Step 3** - For each Grant Year a HEP's share of COMPETITIVE income is calculated by the sum of that HEP's Category 1 income for the two most recent years divided by the sum of Category 1 income for all eligible HEPs for the two most recent years.

**Step 4** - For each Grant Year a HEP's share of ENGAGEMENT income is calculated by the sum of that HEP's Category 2, 3 and 4 income for the two most recent years divided by the sum of Category 2, 3 and 4 income for all eligible HEPs for the two most recent years.

**Step 5** - The HEP's BGA for a Grant Year is calculated by summing the following components:

- (1) 50 per cent of the Funding Pool multiplied by the share of COMPLETIONS; and
- (2) 25 per cent of the Funding Pool multiplied by the share of COMPETITIVE; and
- (3) 25 per cent of the Funding Pool multiplied by the share of ENGAGEMENT.

#### **Worked example for calculating a HEP's BGA**

##### **Step 1 – calculate the HEP's weighted student completions (WSC)**

Refer to worked example in subparagraph 1.4.10 below.

##### **Step 2 – calculate the HEP's share of COMPLETIONS**

Where the HEP has WSC in the two most recent years comprising 2,201, and all eligible HEPs have WSC in the two most recent years of 44,020:

$$\begin{aligned}\text{COMPLETIONS share for a HEP} &= 2,201 \div 44,020 \\ &= 5.0 \% \text{ share}\end{aligned}$$

##### **Step 3 – calculate the HEP's share of COMPETITIVE income**

Where the HEP has Category 1 research income in the two most recent years comprising \$800,000 and \$1,200,000, and all eligible HEPs have Category 1 research income in the two most recent years of \$35,000,000 and \$65,000,000:

$$\text{COMPETITIVE share for a HEP} = (\$800,000 + \$1,200,000) \div (\$35,000,000 + \$65,000,000)$$

$$= \$2,000,000 \div \$100,000,000$$

$$= 2.0 \% \text{ share}$$

#### **Step 4 – calculate the HEP's share of ENGAGEMENT income**

Where the HEP has Category 2, 3 and 4 research income in the two most recent years comprising \$400,000 and \$600,000, and all eligible HEPs have Category 2, 3 and 4 research income in the two most recent years of \$45,000,000 and \$55,000,000:

$$\text{ENGAGEMENT share for a HEP} = (\$400,000 + \$600,000) \div (\$45,000,000 + \$55,000,000)$$

$$= \$1,000,000 \div \$100,000,000$$

$$= 1.0 \% \text{ share}$$

#### **Step 5 – calculate the HEP's BGA**

Where the Funding Pool is \$1,000,000,000:

$$\text{Component (1)} = (0.5 \times \text{Funding Pool} \times \text{COMPLETIONS}) = 0.5 \times \$1,000,000,000 \times 5.0\%$$

$$= \$25,000,000$$

$$\text{Component (2)} = (0.25 \times \text{Funding Pool} \times \text{COMPETITIVE}) = 0.25 \times \$1,000,000,000 \times 2.0\%$$

$$= \$5,000,000$$

$$\text{Component (3)} = (0.25 \times \text{Funding Pool} \times \text{ENGAGEMENT}) = 0.25 \times \$1,000,000,000 \times 1.0\%$$

$$= \$2,500,000$$

The HEP's BGA equals the sum of components (1), (2) and (3):

$$\text{HEP's BGA} = \$25,000,000 + \$5,000,000 + \$2,500,000 = \$32,500,000$$

Subparagraph 1.4.10 sets out the weightings applied to HDR student completions and the method for calculating weighted HDR student completions (WSC) for a HEP and all eligible HEPs. Definitions for Research Doctorate, Research Masters, Indigenous student, and non-Indigenous student are included in Chapter i and the high-cost and low-cost fields of education are specified in Part 1.7.

Weightings are applied in relation to the level of a degree, the cost of a degree and the nature of the student undertaking the degree. These weightings change the relative value of a completion and its financial reward for a HEP in the RTP allocation formula. The weightings for the level and cost of a degree have been retained from the APA, IPRS and RTS programs. The weightings for Indigenous students are new and implement a key recommendation from the *Review of Australia's Research Training System* undertaken by the Australian Council of Learned Academies.

Research Doctorate completions are weighted at twice the value of Research Masters completions in recognition of the cost of supporting a student for a longer period. High-cost course completions are weighted at 2.35 times the value of low-cost course completions in recognition of the higher costs incurred in supporting students in those courses. Completions by Indigenous students are weighted at twice the value of non-Indigenous student completions to provide a financial incentive to boost the number of Indigenous students completing HDRs.

The eight combinations of HDR student completions and their weightings are:

- Non-Indigenous high-cost Research Doctorate completions are weighted at 4.7
- Non-Indigenous high-cost Research Masters completions are weighted at 2.35
- Non-Indigenous low-cost Research Doctorate completions are weighted at 2.0
- Non-Indigenous low-cost Research Masters completions are weighted at 1.0
- Indigenous high-cost Research Doctorate completions are weighted at 9.4
- Indigenous high-cost Research Masters completions are weighted at 4.7
- Indigenous low-cost Research Doctorate completions are weighted at 4.0
- Indigenous low-cost Research Masters completions are weighted at 2.0

The total WSC for a HEP and for all eligible HEPs is calculated by multiplying the number of completions for each type by the relevant weighting, and summing these values.

### Worked example for weighted HDR student completions (WSC)

Where a HEP's HDR student completions in the two most recent years is as specified in the 'Completions' column of the following table:

Classification	Type of student completion	Completions	Weighting	WSC
Non-Indigenous	High-cost Research Doctorate	200	4.7	940.0
Non-Indigenous	High-cost Research Masters	50	2.35	117.5
Non-Indigenous	Low-cost Research Doctorate	500	2.0	1,000.0
Non-Indigenous	Low-cost Research Masters	100	1.0	100.0
Indigenous	High-cost Research Doctorate	2	9.4	18.8
Indigenous	High-cost Research Masters	1	4.7	4.7
Indigenous	Low-cost Research Doctorate	4	4.0	16.0
Indigenous	Low-cost Research Masters	2	2.0	4.0
<b>Total</b>				<b>2,201.0</b>

And where HDR student completions for all eligible HEPs in the two most recent years is as specified in the 'Completions' column of the following table:

Classification	Type of student completion	Completions	Weighting	WSC
Non-Indigenous	High-cost Research Doctorate	4,000	4.7	18,800.0
Non-Indigenous	High-cost Research Masters	1,000	2.35	2,350.0
Non-Indigenous	Low-cost Research Doctorate	10,000	2.0	20,000.0
Non-Indigenous	Low-cost Research Masters	2,000	1.0	2,000.0
Indigenous	High-cost Research Doctorate	40	9.4	376.0
Indigenous	High-cost Research Masters	20	4.7	94.0
Indigenous	Low-cost Research Doctorate	80	4.0	320.0
Indigenous	Low-cost Research Masters	40	2.0	80.0
<b>Total</b>				<b>44,020.0</b>

Subparagraph 1.4.15 sets out the procedures for determining a HEP's RTP grant amount for 2017, 2018, 2019 and 2020. The formula ensures that 75 per cent of a HEP's RTP grant amount is based on its grant amount for the previous year while the remaining 25 per cent is based on its BGA.

This limits the application of the transitional arrangements to the first four years of the RTP, and provides funding over a sufficient period to allow continuing students to complete their degrees started under the former APA, IPRS and RTS programs. The transition period and transitional arrangements reflect recommendations from the Review of Research Policy and Funding Arrangements.

## Method statement for calculating a HEP's BGA for the years 2017, 2018, 2019 and 2020:

**Step 1** – calculate a HEP's prior year's RTP share by dividing its RTP Grant Amount for the prior year by the sum of RTP Grant Amounts to all eligible HEPs in the prior year. For the 2017 Grant Year only, amounts for the year prior to the Grant Year for the HEP and all HEPs are equal to the amounts received in 2016 under the former APA, IPRS and RTS programs.

**Step 2** – the HEP's RTP Grant Amount for the 2017, 2018, 2019 and 2020 Grant Years is calculated by summing:

- (1) 75 per cent of the Funding Pool multiplied by the HEP's prior year RTP Share; and
- (2) 25 per cent of the HEP's BGA.

## Worked example for calculating a HEP's 2017, 2018, 2019 and 2020 RTP Grant Amounts

### Step 1 – calculate the HEP's RTP Share for year prior to the Grant Year

Where the HEP received a RTP allocation of \$27,000,000 in the year prior to the Grant Year and all eligible HEPs received total RTP allocations of \$900,000,000 in the year prior to the Grant Year:

$$\begin{aligned}\text{RTP Share} &= \$27,000,000 \div \$900,000,000 \\ &= 3.0 \% \text{ share}\end{aligned}$$

### Step 2 – calculate the HEP's RTP Grant Amount for the Grant Year

Where the HEP's BGA was \$32,500,000 for the Grant Year and RTP Funding Pool for the Grant Year was \$1,000,000,000:

$$\begin{aligned}\text{RTP Grant Amount} &= (0.75 \times \$1,000,000,000 \times \text{RTP Share}) + (0.25 \times \$32,500,000) \\ &= \$22,500,000 + \$8,125,000 \\ &= \$30,625,000\end{aligned}$$

Subparagraph 1.4.20 sets out that the RTP grant amounts to be paid to HEPs for 2021 and future years are equal to the BGA as calculated in subparagraph 1.4.5.

Subparagraph 1.4.25 sets out the rounding process for RTP Grant Amounts. The amount allocated under paragraphs 1.4.15 or 1.4.20 is rounded down to the nearest whole dollar and the remainder is allocated based on a formula that ranks HEPs in order of closeness to 100 cents and allocates the remaining whole dollars to those HEPs with the highest rankings. The rounding process ensures that Grant Amounts are paid in whole dollars only and that the entire Funding Pool is allocated.

Paragraph 1.5 sets out the basic student eligibility requirements for a RTP scholarship.

To be eligible for a RTP Stipend, RTP Fees Offset or RTP Allowance a student must be a domestic student or an overseas student enrolled in an accredited HDR course at an Australian HEP. This implements a recommendation from the *Review of Research Funding and Policy Arrangements* to offer both stipends and tuition fee scholarships to the best applicants, regardless of nationality.

To be eligible for a RTP Stipend a student must not be receiving income from another source to support that student's general living costs while undertaking their course of study if that income is greater than 75 per cent of that student's RTP Stipend rate. This provision ensures that RTP

Stipends are provided to students that do not have other sources of income sufficient to support general living costs. Income unrelated to the student's course of study or income received for the student's course of study but not for the purposes of supporting general living costs is not to be taken into account.

To be eligible for a RTP Fees Offset a student must not be receiving an equivalent award or scholarship from the Commonwealth designed to offset HDR fees. This provision ensures that students are able to receive only one scholarship from the Commonwealth to support tuition fee costs.

Paragraph 1.6 sets out the conditions that apply to RTP Grant Amounts.

Subparagraph 1.6.1 sets out that a HEP must only spend its RTP grant amounts on costs incurred in providing the following types of support: RTP Fees Offset, RTP Stipend and RTP Allowances.

RTP Fees Offsets pay for the tuition fees of an HDR student that would otherwise have been paid by the student. Tuition fees should represent the estimated cost of providing research training to the student, and reflect costs such as:

- HDR supervisor costs such as salary and on-costs;
- HDR research projects costs such as lab equipment, field trips, access to external equipment and facilities;
- HDR industry placements and commercialisation skills training costs;
- travel, accommodation and conference costs related to a HDR; and
- HDR course development.

RTP Stipends are provided to support the general living costs of HDR students through an annual stipend. Non-Indigenous domestic students and overseas students undertaking HDRs are not eligible for income support through the Department of Human Services. A RTP Stipend allocated to a student successful in a competitive process will receive support for their general living costs assist the student to study on a full-time basis.

RTP Allowances are provided to support a range of ancillary HDR costs such as the costs of relocation, thesis printing and publication costs, and Overseas Student Health Cover. These are standard HDR costs that are not expected to be supported though the RTP Stipend.

Subparagraph 1.6.5 sets out the period of support for Research Doctorates and Research Masters degrees.

If a HEP awards a student a RTP Scholarship for a Research Doctorate they are required to support the student for a minimum of three years full-time student load and, at the discretion of the HEP, up to a maximum four years full-time student load. For part-time students the equivalent amount is a minimum of six years and a maximum of eight years. This period of support provides an appropriate amount of time for a student to complete a Research Doctorate and aligns with expected timeframes identified in the Australian Qualifications Framework (AQF) specification for the Research Doctoral Degree. The provision for minimum and maximum periods recognises that the time to complete a Research Doctorate varies depending on the nature of the individual student's research project and the amount of additional support a particular student may require in completing the HDR.

HEPs may support a student for a maximum of two years full-time student load if undertaking a Research Masters. This period of support is calculated from the course of study commencement date. This period of support provides an appropriate amount of time for a student to complete a Research Masters degree and aligns with expected timeframes identified in the AQF specification for the Masters Degree (Research).

Subparagraph 1.6.10 sets out the RTP Stipend base and maximum values for the 2017 RTP Grant Year. The base amount is set at the former APA stipend rate and provides an amount of support that makes a major contribution to the living costs of a HDR student. The maximum amount is set at \$15,000 above the base amount in 2017 and allows for a higher stipend amount to be provided to students requiring higher levels of support. The RTP Stipend base and maximum value for any subsequent year is indexed in accordance with the method set out in Part 5-6 of the Act. This increased flexibility in setting stipend rates compared to the previous single APA stipend rate reflects recommendations from the *Review of Australia's Research Training System* undertaken by the Australian Council of Learned Academies.

Subparagraph 1.6.15 sets out the leave entitlements for RTP Stipend recipients:

- Students are entitled to receive up to 20 working days' paid recreation leave and ten working days' paid sick leave for each year of the RTP Stipend. These leave entitlements may be accrued over the life of the RTP Stipend but will be forfeited when the RTP Stipend is terminated.
- Students are entitled to receive additional paid sick leave of up to a total of 60 working days during the duration of the RTP Stipend for periods of illness where the student has insufficient sick leave entitlements available under paragraph (1), provided that a medical certificate has been provided by the student to the HEP.
- Sick leave entitlements (including additional sick leave) may also be used to cover leave for students with family caring responsibilities, subject to the usual practice of the HEP.
- Students who have completed 12 months of their RTP Stipend are entitled to a maximum of 60 working days paid maternity leave during the duration of the RTP Stipend. Subject to the usual practice of the HEP, paid leave may also be approved if the student has adopted a child.
- Students who are partners of women giving birth while receiving a RTP Stipend and who have completed 12 months of their RTP Stipend, may be entitled to a period of paid parenting leave at the time of the birth or adoption, subject to the usual practice of the HEP.

Subparagraph 1.6.20 sets out that if a RTP Stipend is provided as part of a RTP Scholarship, the following additional conditions apply:

- A HEP must offer each student selected by the HEP to receive a RTP Stipend a stipend rate at least equal to the base full-time RTP Stipend rate and no more than the maximum full-time RTP Stipend rate as advised by the department. The process for deciding which students receive stipend above the Base rate must be specified in a HEP's RTP Scholarship Policy.
- If a student selected to receive a RTP Stipend is approved by a HEP to undertake a HDR on a part-time student load, the student's part-time RTP Stipend rate will be 50 per cent of the student's full-time RTP Stipend rate.
- Each year, a HEP must pay each student their full-time or part-time RTP Stipend rate in proportion to the period for which the student has been supported with a RTP Scholarship. For example if a student commenced full-time on 1 April in a year the student must be paid 75 per cent of the full-time annual rate.
- A HEP must make fortnightly payments directly to students in respect of their RTP Stipend. To avoid doubt, payment into an account in the student's name with an Australian Approved Deposit-taking Institution (ADI), such as a bank, is considered to be a payment directly to the student.

- HEPs must only award RTP Stipends as a result of a competitive selection process. The nature of a competitive process is to be determined by a HEP. For example, a HEP may wish to give priority to a class of students such as Indigenous students, low socioeconomic status (SES) students, students undertaking research in a particular discipline or emerging area of research strength, or students undertaking a HDR for the first time. Any competitive selection process conducted must accord with the Guidelines and the fairness requirements in Subdivision 19-D of Part 2-1 of the Act and be detailed in a HEP's RTP Scholarship Policy.

Subparagraph 1.6.25 sets out that if a RTP Fees Offset is provided, the following additional conditions apply:

- HEPs must use a RTP Fees Offset to extinguish the liability of the student receiving the RTP Scholarship to pay tuition fees. This provision requires that a HEP fully offsets a tuition fee applicable for a student. It also ensures that a HEP cannot receive tuition fee support for a HDR student simultaneously from both the student and the Government.
- HEPs may award RTP Fees Offsets to domestic students. The process used is at the discretion of the HEP although it must accord with the Guidelines and the fairness requirements in Subdivision 19-D of Part 2-1 of the Act and be detailed in a HEP's RTP Scholarship Policy. This provision recognises that HEPs already have in place effective methods to determine the distribution of tuition fee support for domestic HDR students.
- HEPs must only award RTP Fees Offsets to overseas students as a result of a competitive selection process. The nature of a competitive process is to be determined by a HEP although it must accord with the Guidelines and the fairness requirements in Subdivision 19-D of Part 2-1 of the Act and be detailed in a HEP's RTP Scholarship Policy. This provision ensures that HEP's are not required to charge tuition fees to overseas student receiving RTP Fees Offsets and is in accordance with paragraph 6.10 of the *Higher Education Provider Guidelines 2012* which specifies the circumstances in which the requirement for determining fees for overseas student may not apply.

Subparagraph 1.6.30 sets out additional conditions for overseas students. A HEP may only expend up to a maximum of 10 per cent of its RTP Grant Amount on the provision of RTP Scholarships to overseas students. This provision ensures that HEPs will be able to increase their support for overseas students compared to the ceasing IPRS program, whilst also recognising that RTP funding is primarily provided to support domestic students.

Subparagraph 1.6.35 sets out the conditions and procedures that a HEP must follow to offer a student a RTP Scholarship.

In addition to adhering to the fairness requirements specified in the Act, this provision requires that a RTP Stipend only be offered to a student as a result of a competitive process, that a RTP Fees Offset be offered to a domestic student at the discretion of the HEP, and that a RTP Fees Offset only be offered to an overseas student as a result of a competitive process.

In relation to RTP Allowances, this form of support may be offered to a student at the discretion of a HEP, provided the student meets the RTP eligibility criteria. This provision recognises that ancillary costs related to an individual student's HDR may arise from time to time and that HEP's are best placed to recognise and provide support for these costs.

A HEP may also agree to continue RTP support for a student transferring from another HEP, ensuring that a student can bypass any requirement to undertake a second selection process for the same HDR course of study. A HEP must also offer a RTP Scholarship to a continuing student as defined in Chapter i, ensuring that all ongoing students supported under the former APA, IPRS and RTS programs, and students that have received offers for APA, IPRS and RTS scholarships, are transferred onto RTP Scholarships.

Subparagraph 1.6.40 sets out the conditions for which a HEP must terminate a student's RTP Scholarship. A student's RTP Scholarship must be terminated when the student ceases to meet the RTP eligibility criteria, on completion of the course of study, or if the HEP determines that the student has not complied with a requirement of the HEP's RTP Scholarship Policy.

Subparagraph 1.6.45 sets out that a HEP is responsible for the administration of RTP Scholarships and must make information about the processes, policies and conditions of scholarship readily and publicly available in a RTP Scholarship Policy. A HEP must make judgements, and provide support to students awarded RTP Scholarships, in accordance with its RTP Scholarship Policy.

The requirement for a RTP Scholarship Policy replaces a number of requirements relating to academic processes specified in the Former Guidelines, and will provide HEPs with more autonomy and flexibility to better manage their HDR training programs. The requirement also ensures that all scholarship information is made readily and publicly available to students, and that policies are enforceable by relevant sections in the Guidelines.

A HEP's RTP Scholarship Policy must specifically identify:

- a summary of the basic information for RTP Scholarships including, but not limited to, the information identified in the Guidelines in relation to eligibility criteria, types of support available, RTP Stipend rates and periods of support;
- the application, selection and offers processes for awarding RTP Scholarships, including any classes of students and a requirement that HEP's publish their process or processes for awarding RTP Scholarships;
- information on arrangements for continuing students, if applicable, in accordance with paragraph 1.6.50;
- supervision and facilities provisions, including but not limited to:
  - the facilities and supervision that will be provided to each student awarded a RTP Scholarship; and
  - a code of supervisory practice for students undertaking a HDR;
- provisions for suspensions;
- information on paid leave for RTP Stipends in accordance with subparagraph 1.6.15;
- provisions that identify the circumstances in which a HEP will approve a student awarded a RTP Scholarship undertaking work outside the HDR subject;
- provisions for changes in the nature of a RTP Scholarship student's enrolment, including but not limited to:
  - changes in a student's fields of education;
  - transferring to or from another HEP;
  - changing from full-time to part-time or part-time to full-time;
  - converting from a Research Masters to a Research Doctorate degree, or from a Research Doctorate to a Research Masters;
- the procedures for termination of a RTP Scholarship in accordance with paragraph 1.6.40, including any additional requirements in relation to subparagraph 1.6.40(3);
- the grievance and review procedures for HDR students; and

- arrangements for optional industry placements, research internships, professional practice activities or other similar enrichment activities undertaken as part of a HDR, including information on any impacts on duration in relation to subparagraph 1.6.5 and RTP Stipend rates in relation to subparagraph 1.6.10.

Subparagraph 1.6.50 sets out the arrangements for Continuing Students.

Students currently in receipt of RTS, IPRS or APA support must be offered a RTP Scholarship with at least equivalent support to that offered under the ceasing programs. Students who have received a RTS, IPRS or APA offer but who will not commence until 2017 must also be offered an equivalent RTP Scholarship. This provision ensures that no student supported under the terminating programs will be disadvantaged under the new arrangements.

Subparagraph 1.6.55 sets out that a HEP must ensure the Commonwealth's contribution is acknowledged in relation to the RTP Scholarship. This acknowledgment must occur at any time during or after the completion of the HDR when the recipient of a RTP Scholarship, his/her supervisor, or any other party, publishes or produces material such as books, articles, newsletters or other literary or artistic works which relate to the research project carried out by the recipient of the RTP Scholarship.

Part 1.7 sets out what the high-cost and low-cost fields of education are for the purposes of RTP grant amounts. If a field of education is not listed in the table as being high-cost, it is classified as low-cost. High-cost course completions are weighted higher than low-cost course completions in the RTP allocation formula specified in subparagraph 1.4.5 in recognition of the higher costs incurred in supporting students in those courses. The high-cost and low-costs fields of education are retained from the Former Guidelines.

## STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

### Higher Education Support Act 2003

#### COMMONWEALTH SCHOLARSHIPS GUIDELINES (RESEARCH) 2017

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 *Commonwealth Scholarships Guidelines (Research) 2017* (the Guidelines) are made by the Minister under section 238-10 of the *Higher Education Support Act 2003* (the Act).

The Guidelines provide for the classes of Commonwealth scholarships described under section 46-10 of the Act. This includes the Research Training Program.

Grants are made for these Commonwealth scholarships to eligible Australian higher education providers (HEPs) which allocate the scholarships to students.

The purpose of this legislative instrument is to revoke the *Commonwealth Scholarships Guidelines (Research) 2012* (see F2012L02535) and to make the *Commonwealth Scholarships Guidelines (Research) 2017* (the Guidelines).

The Guidelines set out the purpose and the programs under which grants may be made for postgraduate research scholarships under subsection 46-10 (b) of the Act.

A program has been added to the Guidelines, namely the Research Training Program (RTP).

The following schemes have been removed from the Guidelines as a direct result of the RTP commencing:

- the Australian Postgraduate Awards (APA) (to cease from 31 December 2016); and
- the International Postgraduate Research Scholarships (IPRS) (to cease from 31 December 2016).

APA and IPRS were two of six schemes within the suite of research block grants that will cease from 31 December 2016 following recommendations from the *Review of Research Policy and Funding Arrangements*. This review recommended that the Australian Government (Government) introduce new funding arrangements to simplify the research block grants and to provide greater encouragement of engagement and innovation in research and research training. These recommendations were accepted and announced as one of the measures in the National Innovation and Science Agenda (NISA) on 7 December 2015. RTP replaces APA, IPRS and the Research Training Scheme (RTS) (previously made under Part 2-3 of the Act).

#### Human Rights implications

The legislative instrument engages the following human rights:

- the right to privacy – Article 17 of the *International Covenant on Civil and Political Rights* (ICCPR)
- the right to education – Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)
- the right to enjoy the benefits of scientific progress and its applications – Article 15 of the ICESCR

#### *Right to privacy*

The legislative instrument engages the right to privacy contained in Article 17 of the ICCPR. In particular, Article 17 provides that 'no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation'.

HEPs who receive funding under this legislative instrument are restricted under the Act in their use and disclosure of personal information obtained or created for the purpose of the Research Training Program. This legislative instrument specifies the RTP formula which includes information related to the nature of RTP Scholarship recipients and their courses of study. This requires that higher education providers submit to the department, personal information of students assisted by the RTP. In order to protect a student's right to privacy in relation to this information, Part 5-4 of the Act applies criminal penalties for unauthorised disclosures of information. These penalties apply to Commonwealth officers and officers of higher education providers.

The Act also makes provision for the release of personal information in limited circumstances related to effective administrative obligations established under authority of the Act as specified in Part 5-4.

This legislative instrument is compatible with the right to privacy.

#### *Right to Education*

The legislative instrument also engages the right to education contained in article 13 of the ICESCR. The right to education recognises the important personal, societal, economic and intellectual benefits of education.

The legislative instrument promotes the right to pursue, develop and transmit knowledge and ideas through research, teaching and discussion.

The legislative instrument supports a high quality research training environment by providing research students with support to undertake research training without paying tuition fees. In addition, the legislative instrument provides access on a competitive basis to living allowance stipends which further enhance the capacity of students to engage effectively with their research training.

The legislative instrument is compatible with the right to education.

#### *Right to enjoy the benefits of scientific progress and its applications*

The legislative instrument engages the right to enjoy the benefits of scientific progress and its applications contained in Article 15 of the ICESCR.

The legislative instrument promotes improving access to scientific research facilities and its applications as an important step towards ensuring this right can be enjoyed by all Australians.

The legislative instrument supports a high quality research training environment for Australia's higher education sector. This environment allows research students to strengthen Australia's knowledge base, and enhance the contribution of Australia's research capabilities to national economic development, international competitiveness and the attainment of social goals.

The legislative instrument is compatible with the right to enjoy the benefits of scientific progress and its applications.

#### **Conclusion**

This legislative instrument is compatible with human rights because it advances the protection of human rights.

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