



Indigenous Student Assistance Grants Amendment Guidelines 2018

I, Nigel Scullion, Minister for Indigenous Affairs, make the following instrument.

Dated 4th December

Nigel Scullion
Minister for Indigenous Affairs

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
Schedule 1—Amendments	2
<i>Indigenous Student Assistance Grants Guidelines 2017</i>	2

1 Name

This instrument is the *Indigenous Student Assistance Grants Amendment Guidelines 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 238-10(1) of the Act.

Note: Subsection 33(3) of the *Acts Interpretation Act 1901* has the effect that Guidelines made under subsection 238-10(1) may be amended.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Indigenous Student Assistance Grants Guidelines 2017

1 Subsection 7(2) (item 1, column 3 of the table)

Omit “previous”, substitute “year before the”.

2 Subsection 7(3)

Repeal the subsection.

3 Paragraph 10(1)(b)

Omit “can demonstrate it”.

4 Subparagraph 11(a)(i)

Repeal the subparagraph, substitute:

- (i) at least 2 Indigenous persons, at least one of whom is an appropriately qualified senior academic employee, or appropriately qualified senior executive employee, of the provider; or

5 Subparagraph 11(a)(ii)

Repeal the subparagraph

6 Paragraph 12(a)

Repeal the paragraph, substitute:

- (a) include the following key performance indicators:
 - (i) a key performance indicator that the number of employees engaged by the provider who are Indigenous persons is at least 3 per cent, or other higher percentage agreed by the Minister and the provider before 24 November of the year before the grant year, of all employees of the provider; and
 - (ii) one or more additional key performance indicators relating to the employment of Indigenous persons by the provider; and

7 After subparagraph 12(b)(ii)

Insert:

- (iii) employment of at least one Indigenous person as a senior executive employee at the level of Pro Vice-Chancellor, Deputy Vice-Chancellor or Vice-Chancellor, or equivalent level.

8 Paragraph 12(c)

Repeal the paragraph.

9 Part 4 (heading)

Omit “use and reporting”, substitute “use, reporting and continuing eligibility”.

10 Paragraph 15(a)

Repeal the paragraph, substitute:

-
- (a) administering any aspect of the provider's business other than delivery of activities specified in these Guidelines;

11 After section 18

Insert:

18A Continuing eligibility

- (1) A *higher education provider* that receives an ISSP grant must continue, in a grant year, to satisfy the eligibility requirements of section 38-10 of the Act and the additional eligibility requirements specified in section 10 of these Guidelines.
- (2) A *higher education provider* that receives an ISSP grant must provide evidence that it complies with subsection (1) within 10 business days of a request by an administering officer.

12 Subsection 21(3)

Repeal the subsection, substitute:

- (3) The amount of an ISSP grant a *higher education provider* must use to:
- (a) offer Indigenous Commonwealth Scholarships to Indigenous students from remote areas and regional areas for the grant year; and
- (b) meet payment obligations of the provider for the grant year, if any, in respect of Indigenous Commonwealth Scholarships that the provider awarded to Indigenous students from remote areas and regional areas in a previous grant year,
- must be at least 95 per cent of the total value of Indigenous Commonwealth Scholarship payments that the provider made to Indigenous students from remote areas and regional areas for the previous grant year, unless otherwise agreed by the Minister in writing.

13 Paragraph 27(1)(b)

Omit "if".

14 Paragraph 27(1)(b)

Omit "course of study", substitute "*course of study*".

15 Paragraph 27(1)(b)

Omit "*higher education provider.*", substitute "*higher education provider; or*".

16 After paragraph 27(1)(b)

Insert:

- (c) the scholarship is an Indigenous Commonwealth Accommodation Scholarship and the scholarship recipient has deferred his or her *course of study*.

17 Subsection 28(6) (item 1, column 3 of the table)

Omit "preceding", substitute "year before the"

18 Paragraph 30(c)

Omit “*students.*”, substitute “*students;*”

19 After paragraph 30(c)

Insert:

- (d) providing guidance to Indigenous students about career options following completion of a *course of study*.

20 After paragraph 32(a)

Insert:

- (aa) activities to maintain the engagement of Indigenous students undertaking a *course of study*;

21 Paragraph 32(b)

After “who has”, insert “deferred undertaking his or her *course of study* or”

22 After section 35

Insert:

35A Working with vulnerable persons

- (1) Before engaging a person in relation to any part of administering or using an ISSP grant that may involve contact with a vulnerable person, a *higher education provider* must confirm that no Commonwealth, State or Territory law prohibits the person from being engaged in a capacity where the person has, or may have, contact with a vulnerable person.
- (2) If:
 - (a) a *higher education provider* has engaged a person in relation to the administration or use of an ISSP grant; and
 - (b) the person has, or may have, contact with a vulnerable person in administering or using the ISSP grant; and
 - (c) the person is prohibited under a Commonwealth, State or Territory law from having contact with a vulnerable personthe provider must:
 - (d) notify an administering officer immediately; and
 - (e) take all reasonable steps to ensure the person is no longer engaged by the provider in a capacity where the person has, or may have, contact with a vulnerable person in administering or using the ISSP grant.
- (3) If:
 - (a) a *higher education provider* and an administering officer agree that the provider must undertake additional requirements relating to contact with vulnerable persons, police checks and criminal history checks; and
 - (b) the provider and the administering officer agree the additional requirements the provider must comply with these requirements.
- (4) A *higher education provider* must include in its performance report under section 17 of these Guidelines a statement regarding the provider’s compliance with subsections (1), (2) and (3) for the grant year.

-
- (5) In this section, *vulnerable person* means:
- (a) a child, being an individual under the age of 18; or
 - (b) an individual aged 18 years and above who is, or may be, unable to take care of himself or herself against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

23 Item 1 of Schedule 1 (definition of *normal previous year allocation*)

Omit all the words after “provider”, substitute “calculated under the fourth step under subitem 5(1) (where an eligible higher education provider received an ISSP grant in a previous grant year) or subitem 5(4) (where an eligible higher education provider did not receive an ISSP grant in a year before a grant year and received a grant approved under section 38-20 of the Act to use for activities specified in these Guidelines) of this Schedule.”

24 Item 2 of Schedule 1 (item 1, column 3, paragraph a of the table)

Re-number as paragraph (a).

25 Item 2 of Schedule 1 (item 1, column 3, paragraph a of the table)

Omit “paragraph 28(5)(a)”, substitute “item 1 of the table in subsection 28(6)”.

26 Item 2 of Schedule 1 (item 1, column 3, paragraph b of the table)

Re-number as paragraph (b).

27 Item 2 of Schedule 1 (item 1, column 3, paragraph b of the table)

Omit “paragraph 28(5)(b)”, substitute “item 2 of the table in subsection 28(6)”.

28 Item 2 of Schedule 1 (item 1, column 3, paragraph c of the table)

Repeal the paragraph.

29 Item 3 of Schedule 1 (item 1, column 3, paragraph a of the table)

Re-number as paragraph (a).

30 Item 3 of Schedule 1 (item 1, column 3, paragraph a of the table)

Omit “paragraph 28(5)(a)”, substitute “item 1 of the table in subsection 28(6)”.

31 Item 3 of Schedule 1 (item 1, column 3, paragraph b of the table)

Re-number as paragraph (b).

32 Item 3 of Schedule 1 (item 1, column 3, paragraph b of the table)

Omit “paragraph 28(5)(b) of these Guidelines;”, substitute “item 2 of the table in subsection 28(6) of these Guidelines”.

33 Item 3 of Schedule 1 (item 1, column 3, paragraph c of the table)

Repeal the paragraph.

34 Subitem 5(4) of Schedule 1

Repeal the subitem, substitute:

- (4) If, in the year before the grant year, an eligible higher education provider:

-
- (a) did not receive an ISSP grant; and
 - (b) received a grant approved under section 38-20 of the Act to use for activities specified in these Guidelines,

the normal previous year allocation for the provider is the amount calculated in accordance with subitem (5).

35 After subitem 5(4) of Schedule 1

Insert:

- (5) For the purposes of subitem (4), the amount of the normal previous year allocation is:
 - (a) where the grant approved under section 38-20 in respect of the eligible higher education provider was to be used for an entire grant year – the amount of the grant approved under section 38-20 in respect of the provider; or
 - (b) in any other case - the amount agreed between an administering officer and the provider.

36 Application provision for eligibility

The amendments made by this Schedule of the following provisions of the *Indigenous Student Assistance Grants Guidelines 2017* do not apply to ISSP grants that are payable in respect of the year 2019:

- (a) paragraph 10(1)(b);
- (b) subparagraphs 11(a)(i) and (ii);
- (c) paragraphs 12(a) and (c);
- (d) subparagraph 12(b)(ii).