



Other Grants (Research) Amendment (National Industry PhD Program) Guidelines 2022

I, Jason Clare, Minister for Education, make the following instrument.

Dated 6 December 2022

Jason Clare
Minister for Education

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1 Name

This instrument is the *Other Grants (Research) Amendment (National Industry PhD Program) Guidelines 2022*.

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Note: This table relates only to the provisions of this instrument as originally made.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 section 238-10 of the *Higher Education Support Act 2003*.

4 Schedule

The instrument specified in the Schedule to this instrument is amended as set out in the Schedule.

Schedule 1—Amendments

Other Grants Guidelines (Research) 2017

1 Subsection i.v.ii (definition of research)

Repeal the definition.

2 Subsection i.v.ii

Insert:

PhD means a Level 10 Doctoral Degree (Research) or Doctoral Degree (Professional) qualification as described in the Australian Qualifications Framework for which at least two-thirds of the student load for the course is *research* work

RTP Fees Offset has the same meaning as in section i.v of the *Commonwealth Scholarship Guidelines (Research) 2017*

Note: Section i.v of the *Commonwealth Scholarship Guidelines (Research) 2017* defines RTP Fees Offset as a type of Research Training Program scholarship to assist with course fees that would otherwise be payable by a student who is completing a higher degree by research (a Research Doctorate or Research Masters course for which at least two-thirds of the student load for the course is required as research work).

RTP Stipend has the same meaning as in section i.v of the *Commonwealth Scholarship Guidelines (Research) 2017*

Note: Section i.v of the *Commonwealth Scholarship Guidelines (Research) 2017* defines RTP Stipend as a type of Research Training Program scholarship to assist students with general living costs.

3 After section 3.15

Insert:

CHAPTER 4—NATIONAL INDUSTRY PHD PROGRAM

4.1 Program

The National Industry PhD Program is specified for the purpose of supporting the training of *research* students, under item 8 of the table in subsection 41-10(1) of *the Act*.

4.5 Program objectives

The objectives of the National Industry PhD Program are to:

- (a) develop talented *PhD* Candidates into researchers who can work in both industry and academic settings;
- (b) support high calibre industry professionals into industry researchers and leaders, with the potential to work in academic settings;

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- (c) contribute to industry-focused innovation and development through university-industry collaboration;
 - (d) strengthen collaboration between Australian companies and universities; and
 - (e) support industry-focused *PhD research* projects that align with the priority areas as set by the Minister in the program guidelines.

4.10 Extra conditions of eligibility

- (1) Grants under the National Industry PhD Program may only be provided to support *PhD* projects that are:
 - (a) co-designed by eligible higher education providers and industry (the Industry Linked PhD stream), or
 - (b) undertaken by industry professionals who are supported by their employer to undertake a *PhD* project in partnership with a university (the Industry Researcher PhD stream).
- (2) Grants under the National Industry PhD Program will only be provided to eligible higher education providers that:
 - (a) are partnered with an industry partner that:
 - (i) is a business or organisation with an Australian Business Number (ABN) or an Australian Company Number (ACN);
 - (ii) undertakes *research* and development activities;
 - (iii) for the Industry Linked PhD stream, has entered into an agreement with the eligible higher education provider to provide a yearly cash contribution of at least \$10,000 for four years for each full-time *PhD* Candidate associated with the industry partner's *research* project, and a yearly cash contribution of at least \$5,000 for up to eight years for each part-time *PhD* Candidate associated with the industry partner's *research* project; and
 - (b) will enrol *PhD* candidates for the purposes of the National Industry PhD Program that:
 - (i) will be eligible for a *RTP Fees Offset* for the duration of their *PhD* candidature in the Program;
 - (ii) have not previously completed a *PhD* program at the time the *PhD* Candidate applies to participate in the Program;
 - (iii) will enrol in the year that they are offered a position in the Program;
 - (iv) will be in the first year of their *PhD*, or if they have already commenced another *PhD* program, they have received approval

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- from the eligible higher education provider to transfer across to this Program;
- (v) for the Industry Linked PhD stream, the *PhD* Candidate will be eligible for a stipend equivalent to the amount of the *RTP Stipend* for the duration of their *PhD* candidature; and
 - (vi) for the Industry Researcher PhD stream, the *PhD* Candidate must be employed by an industry partner and supported to participate in the Program by that employer.

4.15 Method by which the amount of grants under the program are determined

- (1) The grant for a participating higher education provider will be made up of:
 - (a) an administrative component to assist with meeting the higher education provider's costs in administering the program (*administrative component*);
 - (b) a student stipend component to meet the higher education provider's obligation to pay the student an additional amount for the Industry Linked PhD stream under subsection 4.25(1) (*student component*); and
 - (c) an industry partner component to meet the higher education provider's obligation to pay their industry partners an additional amount for the Industry Researcher PhD stream under subsection 4.25(2) (*industry component*).

Administrative component

- (2) Subject to subsection (3), the administrative component for a participating higher education provider will be:
 - (a) \$10,350 a year for up to four years for each full-time *PhD* Candidate; and
 - (b) \$5,175 a year for up to eight years for each part-time *PhD* Candidate.
- (3) A participating higher education provider will not be eligible to receive more than \$41,400 in administrative component payments for a single *PhD* Candidate for the duration of their *PhD* project.

Student component

- (4) The student component for a participating higher education provider will be:
 - (a) \$6,210 a year for up to four years for each full-time *PhD* Candidate in the Industry Linked PhD stream; and
 - (b) \$3,105 a year for up to eight years for each part-time *PhD* Candidate in the Industry Linked PhD stream.

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- (5) A participating higher education provider will not be eligible to receive more than \$24,840 in student component payments for a single *PhD* Candidate for the duration of their *PhD* project.

Industry component

- (6) The industry component for a participating higher education provider will be \$20,700 a year for up to eight years for each part-time *PhD* Candidate in the Industry Researcher PhD stream.
- (a) \$41,400 a year for up to four years for each full-time *PhD* Candidate in the Industry Researcher PhD stream; and
- (b) \$20,700 a year for up to eight years for each part-time *PhD* Candidate in the Industry Researcher PhD stream.
- (7) A participating higher education provider will not be eligible to receive more than \$165,600 in industry component payments for a *PhD* Candidate's employer for the duration of the *PhD* project.

4.20 Indexation

The amounts listed in section 4.15 are listed for the year 2023 and are to be indexed for subsequent years using the method of indexation set out in Part 5-6 of *the Act*.

4.25 Conditions that apply to grants

Conditions in respect of the student and industry components

- (1) Subject to subsection (4), the participating higher education provider must provide the student component of the grant to each *PhD* Candidate in the Industry Linked PhD stream.
- (2) Subject to subsection (5), the participating higher education provider must provide the industry component of the grant to each industry partner that employs a *PhD* Candidate in the Industry Researcher PhD stream.
- (3) The participating higher education provider must not retain any amount of the student component or industry component of the grant.
- (4) The participating higher education provider must not provide the student component of the grant to a *PhD* Candidate if:
- (a) the *PhD* Candidate ceases to meet the requirements set out in paragraph 4.10(2)(b); or
- (b) for the Industry Linked PhD stream, the relevant industry partner no longer meets the requirements set out in paragraph 4.10(2)(a).
- (5) The participating higher education provider must not provide the industry component of the grant to an industry partner if the relevant industry partner no longer meets the requirements set out in paragraph 4.10(2)(a).

Conditions in respect of PhD Candidates

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- (6) *PhD* Candidates enrolled in the Industry Linked PhD stream must spend 20 to 50 per cent of the duration of their *PhD* Candidature undertaking work relevant to their *PhD* project in the industry partner's facilities, unless an exception is approved by *the department*.
 - (7) *PhD* Candidates enrolled in the Industry Researcher PhD stream must spend 20 to 50 per cent of the duration of their *PhD* Candidature embedded in the participating higher education provider's facilities, unless an exception is approved by *the department*.

Conditions in respect of the administration of the Program

- (8) The participating higher education provider must provide appropriate *PhD* research supervisors, access to the provider's facilities and infrastructure, learning and development opportunities and support for the development of research skills to *PhD* Candidates in the Program to ensure the *PhD* Candidates are making appropriate progress and to ensure the successful completion of the *PhD* project.

Conditions in respect of the agreement between the higher education provider and the industry partner

- (9) The participating higher education provider must enter into an agreement with the relevant industry partner for each *PhD* project.
- (10) The agreement referred to in subsection (9) must provide that:
 - (a) the industry partner must provide supervision for the *PhD* Candidate;
 - (b) the industry partner must provide appropriate access to appropriate facilities and infrastructure to support the *PhD* Candidate;
 - (c) the industry partner is responsible for all other expenses incurred in their participation in the Program, including the salary of the *PhD* Candidate, workplace accommodation, equipment and materials;
 - (d) the industry partner commits to supporting the *PhD* Candidate for the full duration of the *PhD* Project;
 - (e) the industry partner agrees to collect data specified by *the department* for the purpose of program assurance and provide that data to the higher education provider; and
 - (f) if the industry partner is not an 'organisation' for the purposes of the *Privacy Act 1988*, the industry partner agrees to comply with the Australian Privacy Principles as set out in Schedule 1 of the *Privacy Act 1988*, as if it were an 'organisation' for the purposes of the *Privacy Act 1988*.

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- (11) The agreement referred to in subsection (9) must also provide for how intellectual property rights created as part of the *PhD* project should be handled, and must allow the *PhD* Candidate to use and publish such intellectual property in their thesis or relevant publications.

Reporting

- (12) The participating higher education provider must collect data specified by *the department* for the purpose of program assurance and give that data, and the data given to the provider under paragraph (9)(e), to *the department* annually.
- (13) The participating higher education provider must, on request, provide a report on performance in the format requested by *the department*.

Privacy

- (14) If the participating higher education provider is not an ‘organisation’ for the purposes of the *Privacy Act 1988*, the participating higher education provider must comply with the Australian Privacy Principles as set out in Schedule 1 of the *Privacy Act 1988*, as if it were an ‘organisation’ for the purposes of the *Privacy Act 1988*.