

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Education

Higher Education Support Act 2003

Higher Education Support (Other Grants) Amendment (National Priorities and Industry Linkage Fund) Guidelines 2024

AUTHORITY

Section 238-10 of the *Higher Education Support Act 2003* (the Act) provides that the Minister may make Other Grants Guidelines to, amongst other things, provide for matters necessary or convenient to be provided in order to carry out, or give effect to, Part 2-3 of the Act in relation to grants payable under that Part.

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. The amendment to the *Higher Education Support (Other Grants) Guidelines 2022* (the Principal Instrument) made by the *Higher Education Support (Other Grants) Amendment (National Priorities and Industry Linkage Fund) Guidelines 2024* (the Amendment Instrument) rely on this provision.

PURPOSE AND OPERATION

The Amendment Instrument amends the Principal Instrument to reflect that grants under the National Priorities and Industry Linkage Fund (NPILF) program will also be made in 2025.

The NPILF is a program under which grants can be made to eligible providers for the purpose specified in item 13 of the table in subsection 41-10(1) of the Act – grants to encourage higher education providers to engage with industry. Grants made under the NPILF are aimed at encouraging universities to engage with industry to increase the amount of work integrated learning across disciplines and the number of Science, Technology, Engineering and Mathematics (STEM)-skilled graduates, as well as improving employment outcomes for graduates.

IMPACT ANALYSIS

The Office of Impact Analysis has been consulted and advised that an Impact Analysis is not required for the Amendment Instrument (ID: OIA24-08539).

COMMENCEMENT

The Amendment Instrument commences on the day after it is registered on the Federal Register of Legislation.

CONSULTATION

Consultation was not undertaken on the Amendment Instrument as it does not create any new rights or liabilities or make any grants under Part 2-3 of the Act. Rather, the Amendment Instrument is a technical step that must be taken by the Minister to enable eligible providers to receive grant amounts in 2025. As such, consultation was not required to be undertaken on the Amendment Instrument.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

Higher Education Support (Other Grants) Amendment (National Priorities and Industry Linkage Fund) Guidelines 2024

The *Higher Education Support (Other Grants) Amendment (National Priorities and Industry Linkage Fund) Guidelines 2024* (the Amendment 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 Amendment Instrument amends the *Higher Education Support (Other Grants) Guidelines 2022* (the Principal Instrument) to reflect that grants under the National Priorities and Industry Linkage Fund (NPILF) program will also be made in 2025.

The NPILF is a program under which grants can be made to eligible providers for the purpose specified in item 13 of the table in subsection 41-10(1) of the *Higher Education Support Act 2003* – grants to encourage higher education providers to engage with industry. Grants made under the NPILF are aimed at encouraging universities to engage with industry to increase the amount of work integrated learning across disciplines and the number of Science, Technology, Engineering and Mathematics (STEM)-skilled graduates, as well as improving employment outcomes for graduates.

Human rights implications

The Amendment Instrument engages the following human rights:

- right to work in Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); and
- right to education in Article 13 of the ICESCR.

Right to work

Article 6(1) of the ICESCR recognises the ‘right of everyone to the opportunity to gain [their] living by work’ and that the State will ‘take appropriate steps to safeguard this right’. Article 6(2) cites ‘technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual’ as steps taken by a State Party to achieve the full realisation of the right contained in Article 6(1).

The NPILF program engages the right to work because it is aimed at encouraging providers to engage with industry to produce job-ready graduates and to support activities that are aimed at assisting students to obtain qualifications that assist them to get jobs, thus supporting the right of these students to work. The Amendment Instrument amends the

Principal Instrument to reflect that the length of the program has been expanded to include 2025, which makes funding for this purpose available for another year. The Amendment Instrument therefore engages the right to work as it provides for increased funding that supports students to obtain qualifications that assists them to get jobs.

Right to education

Article 13(2)(c) of the ICESCR provides that ‘higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education’.

As discussed above, the Amendment Instrument makes changes to the Principal Instrument to reflect that the length of the NPILF program is increased to include 2025, which makes funding for the program available for another year. The program provides funding for work integrated learning and to support providers increasing the number of STEM-skilled graduates. As such, the Amendment Instrument supports the right to education as it increases the funding for providers to increase education services that they offer (i.e. work integrated learning) and supports providers delivering higher education to more students by supporting providers to increase the number of STEM-skilled graduates.

Conclusion

The Instrument is compatible with human rights because it supports the right to work and the right to education.

Minister for Education, the Hon Jason Clare MP

HIGHER EDUCATION SUPPORT (OTHER GRANTS) AMENDMENT (NATIONAL PRIORITIES AND INDUSTRY LINKAGE FUND) GUIDELINES 2024

EXPLANATION OF PROVISIONS

Section 1: Name

1. This is a formal provision specifying the name of the *Higher Education Support (Other Grants) Amendment (National Priorities and Industry Linkage Fund) Guidelines 2024* (the Amendment Instrument).

Section 2: Commencement

2. This provision provides that the Amendment Instrument commences on the day after the Amendment Instrument is registered on the Federal Register of Legislation.

Section 3: Authority

3. This provision provides that the Amendment Instrument is made under section 238-10 of the *Higher Education Support Act 2003* (the Act).

Section 4: Schedules

4. This is a technical provision that explains that the instrument that is specified in a Schedule to the Amendment Instrument is amended or repealed as set out in the applicable items in the Schedule concerned.

Schedule 1 – Amendments

Higher Education Support (Other Grants) Guidelines 2022

Item 1: Subsection 69(2)

5. Existing section 69 of the *Higher Education Support (Other Grants) Guidelines 2022* provides that grants under the National Priorities and Industry Linkage Fund are made in respect of a year, and the amount that will be spent on the program is the total of all the grant amounts calculated in accordance with sections 70 and 71.
6. Item 1 amends subsection 69(2) to reflect that grants for the program will also be made in respect of 2025.