

EXPLANATORY STATEMENT

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

Other Grants Guidelines (Research) 2012

Issued by the authority of the Minister for Industry, Innovation, Science, Research
and Tertiary Education

Subject: *Higher Education Support Act 2003*
Other Grants Guidelines (Research) 2012

Authority

Section 238-10 of the *Higher Education Support Act 2003* (the Act) provides that the Minister may, by legislative instrument, make guidelines providing for matters required or permitted by the Act or necessary or convenient to be provided in order to carry out or give effect to the Act. In particular section 238-10 specifies the Minister may make Other Grant Guidelines to give effect to matters set out in Part 2-3 of the Act.

Section 41-15 of the Act provides that the Other Grants Guidelines may specify one or more programs under which grants for particular purposes specified in the table in subsection 41-10(1) are to be paid.

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

Purpose and operation

The purpose of this instrument is to revoke the *Other Grants Guidelines (Research) 2010* made on 10 November 2010 (see F2010L03010) and all subsequent amendments and to make the *Other Grants Guidelines (Research) 2012*.

The *Other Grants Guidelines (Research) 2012* sets out the purpose and programs under which grants may be made for research and research training under subsection 41-10(1), items 7, 8, 10 and 11(b) of the table, Part 2-3 of *the Act*. These include: grants to support research by, and the research capability of, providers; grants to support the training of research students; grants to support the development of systemic infrastructure, and grants for activities that foster an understanding of the importance of, or promote research and scholarship in, science, social science or the humanities in Australia.

A scheme has been added to the Guidelines to assure and enhance the quality of Australia's higher education sector, namely:

1. the *Collaborative Research Infrastructure Scheme*

The *Institutional Grants Scheme* (IGS) has been removed from the Guidelines as the program ceased in 2009.

General

The Administrative Arrangements Order (AAO) of 9 February 2012 revoked all administrative arrangements previously ordered and ordered that parts of *the Act* relating to research matters be dealt with by the Minister for Tertiary Education, Skills, Science and Research. Matters relating to grants for the purposes of research and research training as described in subsection 41-10(1), items 7, 8, 10 and 11(b) are to be dealt with in the *Other Grants Guidelines (Research) 2012*.

As part of the revocation of the *Other Grants Guidelines (Research) 2010* and all subsequent amendments, minor amendments have been made to the *Other Grants Guidelines (Research) 2012* that are of an administrative nature which does not substantially alter existing arrangements for the higher education sector.

The changes to the chapters of the *Other Grants Guidelines (Research) 2012* include reference to the indexation arrangements as specified in *the Act*. There are no other substantive changes to the chapters of the *Other Grants Guidelines (Research) 2012*.

Details of the Other Grants Guidelines (Research) 2012

Chapter I - introduction

Chapter I sets out the purpose of the defined terms used in the *Other Grants Guidelines (Research) 2010* and advises that the funding for the other grants (research) grants are appropriated on a financial year basis but calculated and paid on a calendar year basis.

Chapter 1 - Grants to support research by, and the research capability of, higher education providers

Item 7 of the table in subsection 41-10(1) of *the Act* specifies that Table A providers and Table B providers are eligible for grants to support research by, and the research capability of, higher education providers. Chapter 1 sets out the programs that will assist *HEPs* to enhance the development and maintenance of research infrastructure and to support research and research training activities.

Research Infrastructure Block Grants (RIBG)

1.10 *RIBG* scheme provides block grants, on a calendar year basis, to *HEPs* to maintain and strengthen Australia's knowledge base and research capabilities by developing an effective research and research training system.

1.12 sets out the objectives of the *RIBG* scheme which are to:

- Remedy deficiencies in current research infrastructure;
- Enhance support for areas of research strength; and
- Ensure that areas of recognised research potential, in which institutions have taken steps to initiate high quality research activity, have access to the support necessary for development.

1.14 provides that conditions on *RIBG* scheme grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the*

Act. This is so that conditions can be varied from year to year without needing to revoke and remake this chapter of the *Other Grants Guidelines (Research) 2010*.

- 1.16 sets out an extra condition of eligibility for *RIBG* scheme grants. The Department of Innovation, Industry, Science and Research will contact all *HEPs* to seek written confirmation of their intention to comply with the requirements set out in the *Other Grants Guidelines (Research) 2010* for the grant year. Only *HEPs* that confirm their intent will be eligible for *RIBG* funding in respect of the grant year.
- 1.18 provides that *RIBG* scheme grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and indexed in accordance with the method set out in Part 5-6 of *the Act*.

Joint Research Engagement (JRE)

- 1.30 states that the *JRE* scheme will provide block grants, on a calendar year basis, to *HEPs* and replaced the Institutional Grant Scheme (IGS) from 2010. The *JRE* will give greater emphasis to end-user research by encouraging and supporting collaborative research activities between universities, industry and end-users, beyond those specifically supported by competitive grants.
- 1.32 sets out the objectives of the *JRE* scheme which are to:
- Continue to support soft infrastructure;
 - Continue to support the maintenance of capital items (not capital purchases); and
 - Change the way that the level of funding for each university is calculated.
- 1.34 provides that the conditions on *JRE* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*. This is so that conditions can be varied from year to year without needing to revoke and remake this chapter of the *Other Grants Guidelines (Research) 2010*.
- 1.36 provides that *JRE* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and indexed in accordance with the method set out in Part 5-6 of *the Act*.

Sustainable Research Excellence (SRE) in Universities

- 1.50 states that the *SRE* scheme provides block grants on a calendar year basis to *HEPs* to ensure that these institutions are better placed to meet the indirect cost of research activities that are not entirely met by the various competitive grant programs.
- 1.52 provides that the *SRE* scheme ensures that institutions are better placed to meet the cost of research activities that are not entirely met by the various grant programs listed on the Australian Competitive Grants Register (ACGR). In addition, it will contribute to the sustainability of current research strategies within universities over the longer term. Specifically, the objectives of the *SRE* scheme are to:

- Address an identified shortfall in the funding available to meet the indirect costs associated with Australian competitive grant research; and
 - Support universities to build and maintain research excellence through the implementation of best practice financial management, performance and reporting frameworks.
- 1.54 provides that the conditions on *SRE* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*. This is so that conditions can be varied from year to year without needing to revoke and remake this chapter of the *Other Grants Guidelines (Research) 2010*.
- 1.56 provides extra conditions of eligibility that *SRE* grants have three separate funding elements being a Base element; Threshold 1 and Threshold 2. Details regarding the elements are:
- Every *HEP* is eligible for funding under the Base element.
 - Eligibility for funding under Threshold 1 and Threshold 2 is restricted to those *HEPs* that agree to participate in transparent costing of indirect costs of research and the Excellence in Research for Australia (ERA) process.
 - The methodology for undertaking the transparent costing process will be determined by *DIISRTE*.
 - For each year where *DIISRTE* determines that the transparent costing process is required, *DIISRTE* will, before the end of the year immediately preceding that year, contact all *HEPs* to seek written confirmation of their intention to participate in the process. The process for seeking confirmation and its timing will be determined by *DIISRTE*.
 - Only *HEPs* that confirm their intention will be eligible for funding under the *SRE* Threshold 1 and Threshold 2 elements in respect of all grant years to which the transparent costing process outcomes apply.
- 1.58 provides that *SRE* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and indexed in accordance with the method set out in Part 5-6 of *the Act*.

Collaborative Research Infrastructure Scheme (CRIS)

- 1.70 states that the *CRIS* provides block grants to eligible *HEPs* for the 2013 and 2014 calendar years to ensure interim funding is available to support the ongoing operation of critical national collaborative research infrastructure facilities.
- 1.72 states that the objective of the *CRIS* is to keep critical national collaborative research infrastructure facilities operational until 31 December 2014 so that they can provide researchers with the infrastructure and networks they require for world-class research.
- 1.74 provides that the conditions on *CRIS* will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*.
- 1.74 provides that *CRIS* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and will not be

subject to indexation in accordance with the method set out in Part 5-6 of *the Act*.

Chapter 2 Grants to support the training of research students

Item 8 of the table in subsection 41-10(1) of *the Act* specifies that Table A *HEPs* and Table B *HEPs* are eligible for grants to support the training of research students. Chapter 2 sets out the programs that will assist *HEPs* to support the training of research students.

Introduction

2.1 sets out the purpose for this chapter of the *Other Grants Guidelines (Research) 2010*.

Research Training Scheme (RTS)

2.10 states that the *RTS* provides block grants, on a calendar year basis, to eligible *HEPs* to support research training for domestic students undertaking Research Doctorate and Research Masters and that these students, referred to as '*RTS* students', are exempt from payment of student contribution amounts and tuition fees for units undertaken as part of an *HDR* course of study.

2.15 sets out that the objectives of the *RTS* are to:

- enhance the quality of research training provision in Australia;
- improve the responsiveness of *HEPs* to the needs of their research students;
- encourage *HEPs* to develop their own research training profiles;
- ensure the relevance of research degree program to labour market requirements; and
- improve the efficiency and effectiveness of research training.

2.20 provides that the conditions on *RTS* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*. This has been done so that conditions can be varied from year to year without needing to revoke and remake this chapter of the *Other Grants Guidelines (Research) 2010*.

2.25 provides that *RTS* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and indexed in accordance with the method set out in Part 5-6 of *the Act*.

Commercialisation Training Scheme (CTS)

2.35 states that the *CTS* provides block grants, on a calendar year basis, to eligible *HEPs* to support research commercialisation training for domestic *HDR* students, that the *CTS* will be terminated as at 31 December 2011 and that students, referred to as '*CTS* students', are exempt from payment of student contribution amounts and tuition fees for units undertaken as part of *CTS* training.

2.40 sets out that the objective of the *CTS* is to provide high quality research commercialisation training for the next generation of Australian researchers (Research Doctorate and Research Masters students) as a means of equipping

them with the skills, knowledge and experience necessary to bring research-based ideas, inventions and innovations to market.

- 2.45 provides that the conditions that apply to *CTS* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*. The conditions that apply to *CTS* grants are as per Appendix 1 to the *Other Grants Guidelines (Research) 2010*.
- 2.50 sets out an extra condition of eligibility for *CTS* grants. *DIISRTE* will contact all *HEPs* to seek written confirmation of their intention to comply with the requirements set out in *CTS* guidelines for the grant year. Only *HEPs* that confirm their intent will be eligible for *CTS* funding in respect of the grant year.
- 2.55 sets out the formula for determining how *CTS* grants will be determined. The grants are determined by multiplying each *HEPs* share of the *CTS* performance index by the total amounts available. The method for calculating the *CTS* performance index is detailed. The minimum *CTS* grant amount for the grant year is provided and advice regarding the arrangements for indexing the minimum grant amount in later years.
- 2.60 provides for *CTS* grants to be made by instalments in the manner and at the times determined by the Minister, or his or her delegate, respectively, under the relevant sections of *the Act*.
- 2.65 requires that *CTS* funds to be spent on providing *CTS* training to *HDR* students or payments to another *HEP* to provide *CTS* training on behalf of a *HEP* in accordance with a separate written agreement between the *HEPs*. It also makes provision for payments to *HDR* students in order to assist them to meet the direct costs of undertaking *CTS* training through the provision of a stipend for living costs or the provision of allowances.
- 2.70 sets out the student eligibility requirements for *CTS* training. These are a student:
- must be enrolled in a *HDR*;
 - must be a domestic student as defined in *the Act*; and
 - must not have previously completed *CTS* training or training consistent with that described in paragraph 2.75 of the guidelines.

Additional conditions relate to the following:

- 2.70.2 states students who, under any circumstances, are entitled to receive credit towards the *CTS* qualification from prior studies can only receive benefit under the *CTS* for the remaining period of study necessary to complete *CTS* training;
- 2.70.3 states students who fail to complete *CTS* training within 24 months from the date of commencement (plus any periods of suspension or leave approved by *HEPs*) are ineligible to receive further support under the *CTS*;
- 2.70.4 states students who have commenced *CTS* training prior to submitting their HDR thesis may be exempted from paragraph 2.70.1(a) for a period of six months from the date of submission of their HDR thesis (subject to paragraph 2.70.3) only to allow them to complete *CTS* training; and
- 2.70.5 states *HEPs* must monitor students' ongoing eligibility to ensure that each student continues to meet the eligibility requirements set out in these guidelines.

2.75 sets out the requirements of *CTS* training:

- 2.75.1 sets out the general training requirements.
- 2.75.2 sets out the course requirements which are to demonstrate the capacity to provide learning in three knowledge areas: commercialisation know-how, technical commercialisation skills (of which intellectual property management is a mandatory area of learning) and organisational behaviour skills.
- 2.75.3 requires that the training must provide for significant elements of practical, non-lecture based learning where students are given the opportunity to participate in team-based learning exercises centred on research commercialisation scenarios.
- 2.75.4 states the requirements at 2.75.2 and 2.75.3 comprise the minimum requirements only and may be supplemented by *HEPs* on condition that any additional training is consistent with the program objective.

2.80 sets out when *CTS* training can be interrupted. Students may apply to their *HEP* for a suspension of their *CTS* training, or to take leave during *CTS* training or to transfer to another *HEP*. In the last circumstance, students may be able to continue to receive *CTS* training from the new *HEP* and associated assistance if their new *HEP* agrees to its continuation and subject to the new *HEP* having sufficient *CTS* grant amounts of its own available.

2.85 states the circumstances in which a *HEP* must terminate a student's *CTS* training:

- if a student ceases to meet the eligibility criteria;
- where a student completes the course of study;
- a *HEP* determines that *CTS* training is not being carried out with competence and / or diligence by the student or in accordance with the offer of *CTS* training; or
- a student has committed serious misconduct.

If *CTS* training is terminated, it cannot be re-activated unless the termination occurred in error.

- 2.90 states that *HEPs* are responsible for *CTS* training application, selection and offer processes and must make information about the processes, policies and conditions readily and publicly available.
- 2.90.2-2.90.4 sets out the application process for *HEPs* to select students to receive *CTS* training;
 - 2.90.5-2.90.7 sets out the selection process that a *HEP* must follow;
 - 2.90.8-2.90.10 sets out the offer process that a *HEP* must follow.

Chapter 3 Grants to support the development of systemic infrastructure

Item 10 of the table in subsection 41-10(1) of *the Act* specifies that Table A *HEPs* and bodies corporate that are specified in the *Other Grants Guidelines* for the purposes of this item are eligible for grants to support the development of systemic infrastructure used by higher education providers. Chapter 3 specifies the Australian Scheme for Higher Education Repositories (*ASHER*) and the Implementation Assistance Program (*IAP*) as programs to provide funding to universities (Table A *HEPs*) and specified bodies corporate for systemic research infrastructure in accordance with subsection 41-15(1) of *the Act*.

3.1 sets out the purpose of Chapter 3 of the *Other Grants Guidelines (Research) 2010*.

3.5 in addition to eligible *HEPs*, sets out the bodies corporate eligible for grants under the *ASHER* and the *IAP*.

Australian Scheme for Higher Education Repositories (ASHER)

3.15 states that the *ASHER* assists eligible *HEPs* and the bodies corporate listed in paragraph 3.5.1 with establishing university digital data storage.

3.20 Sets out that the objectives of the *ASHER* are to:

- Provide support to establish and refine a digital repository; and
- Provide support to populate digital repositories with research outputs and publications with the aim of increasing the amount of open access material.

3.25 provides that the conditions that apply to *ASHER* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*.

3.30 provides that *ASHER* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and that the *ASHER* grants are terminating payments under *the Act* with the last payments due in calendar year 2009.

Implementation Assistance Program (IAP)

3.40 states that the *IAP* assists eligible *HEPs* and the bodies corporate listed in paragraph 3.5.1 in meeting the costs of changing the nature and amount of information they collect about researchers and research.

3.45 Sets out that the objectives of the *IAP* are to:

- Develop and implement new data gathering and reporting systems for bibliometrics and other data as part of the Excellence in Research for Australia (ERA) initiative; and
- Assist eligible *HEPs* in meeting the costs of gathering and reporting bibliometrics and other data.

3.50 provides that the conditions that apply to *IAP* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*.

3.55 provides that *IAP* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and that the *IAP* grants are terminating payments under *the Act* with the last payments due in calendar year 2010.

Chapter 4 Grants for activities that foster an understanding of importance of, or promote research and scholarship in, science, social science or the humanities in Australia

Item 11(b) of the table in subsection 41-10(1) of *the Act* specifies that Table A *HEPs* and bodies corporate that are specified in the Other Grants Guidelines for the purposes of this item are eligible for grants to foster an understanding of importance of, or promote research and scholarship in, science, social science or the humanities in Australia. Chapter 4 specifies the program that is eligible to receive grants to foster an understanding of importance of, or promote research and scholarship in, science, social science or the humanities in Australia. This program is known as the Higher Education Research Promotion (HERP).

4.1 sets out the purpose of Chapter 4 of the *Other Grants Guidelines (Research) 2010*.

4.5 sets out organisations eligible to receive grants under the *HERP* and these are:

- The Australian Centre for Child Protection (ACCP) (an academic centre within the University of South Australia);
- The Australian and New Zealand Association for the Advancement of Science (ANZAAS);
- The Council for the Humanities, the Arts and the Social Sciences (CHASS);
- The Federation of Australian Scientific and Technological Societies Incorporated (FASTS); and
- The Learned Academies as follows:
 - The Australian Academy of the Humanities (AAH),
 - The Australian Academy of Science (AAS),
 - The Australian Academy of Technological Sciences and Engineering Limited (AATSE),
 - The Academy of Social Sciences in Australia Incorporated (ASSA), and
 - The Australian Council of Learned Academies (ACoLA) (peak body for the Learned Academies).

- 4.10 states that the *HERP* provides grants under *the Act* to foster an understanding of the importance of, and/or promote research and scholarship in, science, social science or the humanities in Australia.
- 4.15 sets out the objectives for each of the body corporate grant recipients.
- 4.20 provides that the conditions that apply to the *HERP* grants will be determined in writing by the Minister, or his or her delegate, under subparagraph 41-25(b)(i) of *the Act*.
- 4.25 provide that the *HERP* grant amounts will be determined in writing by the Minister, or his or her delegate, under paragraph 41-30(b) of *the Act* and indexed in accordance with the method set out in Part 5-6 of *the Act*.

Appendix 1: Conditions of CTS Grants

Appendix 1 sets out the conditions that apply to the CTS Grant.

Consultation

Collaborative Research Infrastructure Scheme

Detailed consultation was undertaken with the research sector, including higher education providers, university peak bodies and key Publicly Funded Research Agencies.

The Government consulted with Universities Australia on the interim funding for *CRIS* and largely received support for the program. A high level consultative group comprising of the Chief Scientist, DIISRTE and senior representatives nominated by Universities Australia has also been established. Sector feedback was incorporated in the final *CRIS* Guidelines.

Other amendments

A few other minor amendments have been made, these are technical in nature and do not substantially alter existing arrangements for the higher education sector. Therefore, no other parts of the guidelines were distributed for consultation.

Commencement

This legislative instrument shall take effect on the day after it is registered on the Federal Register of Legislative Instruments.

Transitional arrangements

The revocation of the Former Guidelines does not affect the validity of a payment or decision made under those guidelines. A decision made under the former Guidelines is taken to continue to have effect as if it were made under the Other Grants Guidelines (Research) 2012.

Statement of Compatibility with Human Rights

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

OTHER GRANTS GUIDELINES (RESEARCH) 2012

This Legislative Instrument is compatible with 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 Other Grants Guidelines (Research) 2012 are made by the Minister under section 238-10 of the *Higher Education Support Act 2003* (the Act).

The Other Grants Guidelines (Research) 2012 (the Guidelines) identify programs under which grants for purposes specified in the Act are to be paid to higher education providers and other eligible bodies.

The Guidelines may specify the program's objectives, extra conditions of eligibility, amount of funding available, indexation, method by which grants will be determined and conditions that apply to grants under the program.

Human Rights implications

Right to privacy

The guidelines engage the right to privacy contained in Article 17 of the International Covenant on Economic, Social and Cultural Rights.

The instrument promotes the right to privacy by specifying that where personal information is obtained by a provider, they are required under the Act to comply with the information privacy principles set out in the *Privacy Act 1988*.

Right to benefit from scientific research and activity

The guidelines engage the right to enjoy the benefits of scientific progress and its applications contained in Article 15 of the International Covenant of Economic, Social and Cultural Rights.

The 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.

Conclusion

This Legislative Instrument is compatible with human rights because it advances the protection of human rights.

**Senator Christopher Evans, Minister for Tertiary Education, Skills,
Science and Research**