



# **Indigenous Student Assistance Grants Guidelines 2017**

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

Dated 03/01/2017

Nigel Scullion  
Minister for Indigenous Affairs

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## Part 1—Preliminary

### 1 Name

This instrument is the *Indigenous Student Assistance Grants Guidelines 2017*.

### 2 Commencement

- (1) Each provision of these Guidelines 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 these Guidelines	These Guidelines commence the day after these Guidelines are registered.	11 January 2017

Note: This table relates only to the provisions of these Guidelines as originally made.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

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

### 3 Authority

These Guidelines are made under section 238-10 of the Act for the purposes of Part 2-2A of the Act.

### 4 Definitions

Note: A number of expressions used in these Guidelines are defined in Schedule 1 of the Act, including the following:

- (a) annual financial reporting period;
- (b) course of study;
- (c) EFTSL;
- (d) enabling course;
- (e) enrolled;
- (f) higher education award;
- (g) higher education provider;
- (h) student;
- (i) Table A provider;
- (j) Table B provider;
- (k) unit of study;
- (l) VET course of study.

These expressions are identified in *italics* in these Guidelines.

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In these Guidelines:

**Act** means the *Higher Education Support Act 2003*.

**administering officer** means an employee in the Department administered by the Minister administering Part 2-2A of the Act.

**asset** means any item of real or personal property that has a value or acquisition cost of \$5,000 (excluding GST) or more, and is either:

- (a) leased, purchased or created (all or part) using an ISSP grant; or
- (b) transferred to the *higher education provider* for the purpose of delivering an activity specified in these Guidelines.

**earlier Indigenous Commonwealth Accommodation Scholarship** means an Indigenous Commonwealth Accommodation Scholarship described in paragraph 2.1.1(3) of the *Commonwealth Scholarships Guidelines (Education) 2010*.

**earlier Indigenous Commonwealth Education Costs Scholarship** means an Indigenous Commonwealth Education Costs Scholarship described in paragraph 2.1.1(2) of the *Commonwealth Scholarships Guidelines (Education) 2010*.

**earlier Indigenous Commonwealth Scholarship** means an earlier Indigenous Commonwealth Accommodation Scholarship or an earlier Indigenous Commonwealth Education Costs Scholarship.

**Education Department** means the Department administered by the Minister administering the *Higher Education Funding Act 1988*.

**eligible higher education provider** means a *higher education provider* that meets the requirements of section 38-10 of the Act and section 10 of these Guidelines.

**grant** means:

- (a) the money or any part of it payable by the Commonwealth to a higher education provider under section 38-35 of the Act; and
- (b) any interest earned on a grant.

**grant year** means the calendar year in respect of which a grant is paid under section 38-35 of the Act.

**GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Higher Education Information Management System** means the electronic information system for higher education maintained by the Education Department.

**Human Services Department** means the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*.

**Indigenous Commonwealth Accommodation Scholarship** means a scholarship described in paragraph 20(b) of these Guidelines.

**Indigenous Commonwealth Education Costs Scholarship** means a scholarship described in paragraph 20(a) of these Guidelines.

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**Indigenous Commonwealth Reward Scholarship** means a scholarship described in paragraph 20(c) of these Guidelines.

**Indigenous Commonwealth Scholarship** means:

- (a) an Indigenous Commonwealth Accommodation Scholarship; or
- (b) an Indigenous Commonwealth Education Costs Scholarship; or
- (c) an Indigenous Commonwealth Reward Scholarship,

and includes a preserved Indigenous Commonwealth Scholarship.

**Indigenous Education Strategy** means a strategy of a *higher education provider* that meets the requirements of section 13 of these Guidelines.

**Indigenous Governance Mechanism** means a mechanism established by a *higher education provider* that meets the requirements of section 11 of these Guidelines.

**Indigenous Support Program** means the program by that name provided for under the *Other Grants Guidelines (Education) 2012*.

**Indigenous Workforce Strategy** means a strategy of a *higher education provider* that meets the requirements of section 12 of these Guidelines.

**ISSP** means the Indigenous Student Success Programme.

**ISSP grant** means a grant provided for under section 5 of these Guidelines.

**ISSP grant amount** means the amount of an ISSP grant to be paid to an eligible higher education provider as determined, and notified to providers, under section 7 of these Guidelines.

**preserved Indigenous Commonwealth Accommodation Scholarship** means an Indigenous Commonwealth Scholarship that assists with relocation costs, accommodation costs, or relocation and accommodation costs that is offered under subsection 28(2) of these Guidelines and awarded under subsection 28(5) of these Guidelines.

**preserved Indigenous Commonwealth Education Costs Scholarship** means an Indigenous Commonwealth Scholarship that assists with education costs that is offered under subsection 28(2) of these Guidelines and awarded under subsection 28(5) of these Guidelines.

**preserved Indigenous Commonwealth Scholarship** means a preserved Indigenous Commonwealth Accommodation Scholarship or a preserved Indigenous Commonwealth Education Costs Scholarship.

**regional area** means an area classified as Inner Regional Australia or Outer Regional Australia in the Australian Statistical Geography Standard that is referred to in the item for Regional and Remote in the glossary to the Higher Education Information Management System.

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**remote area** means an area classified as Remote Australia or Very Remote Australia in the Australian Statistical Geography Standard that is referred to in the item for Regional and Remote in the glossary to the Higher Education Information Management System.

**study period** means a period over which at least one *unit of study* that is a requirement of a *course of study* is undertaken by a *student*.

## Part 2—ISSP grants

### 5 Description of ISSP grants

ISSP grants are grants to eligible higher education providers to use for any or all of the activities specified in these Guidelines.

### 6 Amount to be spent on ISSP grants

The amount that will be spent on ISSP grants in a particular grant year will be an amount that is the difference between:

- (a) maximum payments for grants under Part 2-2A of the Act in respect of that year as determined by the Minister under section 38-45 of the Act; and
- (b) the total amount for grants approved by the Minister under subsection 38-20 of the Act in respect of that year.

### 7 ISSP grant amounts

- (1) Subject to subsection (3), the amount of an ISSP grant to be paid to an eligible higher education provider in a grant year will be an amount that is:
  - (a) determined before the start of the grant year in accordance with the method in Schedule 1 of these Guidelines; and
  - (b) adjusted after the last business day in April of the grant year in accordance with the method in Schedule 1 of these Guidelines.
- (2) An administering officer must give the notices specified in column 2 of the table in writing to an eligible higher education provider by the date, or in the timeframe, specified in column 3 of the table.

Notice of ISSP grant amounts		
Column 1	Column 2	Column 3
Item	Notice	Date
1.	Notice of ISSP grant amount as determined before the start of the grant year	24 December of the previous grant year
2.	Notice of ISSP grant amount as adjusted during the grant year	20 business days after the adjustment is calculated

- (3) For the 2017 grant year, the amount of an ISSP grant to be paid to an eligible higher education provider in the grant year will be an amount that is:
  - (a) determined after the start of the grant year but before the last business day in April of the grant year in accordance with the method in Schedule 1 of these Guidelines; and



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- (b) adjusted after the last business day in April of the grant year in accordance with the method in Schedule 1 of these Guidelines.

## 8 Payment of ISSP grants

For an ISSP grant to be payable under section 38-35 of the Act, the Minister must be satisfied that a *higher education provider* meets the requirements of these Guidelines.

Note: Section 164-5 of the Act provides that grant amounts will be paid in such a way as the Minister determines, and at such times as the Secretary determines.

## 9 Taxes

- (1) Subject to subsections (2) and (3), a *higher education provider* that receives an ISSP grant must pay all taxes, duties and government charges levied in Australia or overseas in connection with the ISSP grant.
- (2) If a *higher education provider* is registered for GST, an amount to cover the provider's GST obligations in relation to the use of an ISSP grant must be provided in addition to the provider's ISSP grant amount.
- (3) A *higher education provider* that is registered for GST when it receives an ISSP grant must notify an administering officer if it ceases to be registered for GST in the grant year.

## Part 3—Eligibility to receive ISSP grants

### 10 Extra conditions of eligibility

- (1) In addition to the conditions of eligibility in section 38-10 of the Act, a *Table A provider* or a *Table B provider* must satisfy the following extra conditions to be eligible for an ISSP grant:
  - (a) the provider has an *EFTSL* of at least five Indigenous students;
  - (b) the provider can demonstrate it has access to funding other than ISSP grants that it intends to use to:
    - (i) assist Indigenous students to undertake higher education; and
    - (ii) increase the number of Indigenous students enrolling in, progressing in and completing courses leading to a *higher education award*; and
    - (iii) increase the number of Indigenous students participating in a higher education environment;
  - (c) the provider has the following arrangements in place or the provider has notified an administering officer within 30 days of failing to have the following arrangements in place and the administering officer has agreed a process for the provider to establish the following arrangements:
    - (i) an Indigenous Governance Mechanism that meets the requirements of these Guidelines;
    - (ii) an Indigenous Workforce Strategy that meets the requirements of these Guidelines and is publicly available; and

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(iii) an Indigenous Education Strategy that meets the requirements of these Guidelines and is publicly available.

(2) A *Table A provider* or a *Table B provider* must provide evidence that it complies with the conditions in subsection (1) within 10 business days of a request by an administering officer.

## 11 Indigenous Governance Mechanism

To meet the requirements of these Guidelines, the Indigenous Governance Mechanism of a *Table A provider* or a *Table B provider* must:

- (a) consist of:
  - (i) an appropriately qualified senior academic employee of the provider who is an Indigenous person; or
  - (ii) an appropriately qualified senior executive employee of the provider who is an Indigenous person; or
  - (iii) a committee constituted by a majority of Indigenous persons, each of whom has skills and experience relevant to the role; and
- (b) have responsibility for advising on, reviewing, making recommendations about, and monitoring the use of ISSP grants; and
- (c) have authority within the governance structure of the provider; and
- (d) have a charter that outlines:
  - (i) criteria for appointment; and
  - (ii) roles and responsibilities; and
  - (iii) decision-making processes.

## 12 Indigenous Workforce Strategy

To meet the requirements of these Guidelines, the Indigenous Workforce Strategy of a *Table A provider* or a *Table B provider* must:

- (a) include key performance indicators; and
- (b) prioritise the following matters:
  - (i) increasing the number of academic employees engaged by the provider who are Indigenous persons; and
  - (ii) the professional development and career advancement of academic employees engaged by the provider who are Indigenous persons; and
- (c) for the 2018 grant year and subsequent grant years, include a plan agreed by an administering officer in writing that:
  - (i) increases the number of employees engaged by the provider who are Indigenous persons to at least 3 per cent of all employees of the provider; and
  - (ii) provides for the employment of at least one Indigenous person as a senior executive employee at the level of Pro Vice-Chancellor or Deputy Vice-Chancellor, or equivalent level.

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## 13 Indigenous Education Strategy

To meet the requirements of these Guidelines, the Indigenous Education Strategy of a *Table A provider* or a *Table B provider* must:

- (a) include key performance indicators; and
- (b) prioritise increasing the number of Indigenous students enrolling in, progressing in and completing courses leading to *higher education awards*; and
- (c) facilitate, monitor and improve upon the inclusion of Indigenous knowledge in curricula, graduate attributes, and teaching practices; and
- (d) include activities for *students* and employees of the provider that promote cultural competency in Indigenous cultures, traditions and histories and the diversity of circumstances of Indigenous people in Australia.

## Part 4—ISSP grant conditions (use and reporting)

### 14 Using ISSP grants

- (1) A *higher education provider* that receives an ISSP grant must use the grant:
  - (a) to administer and deliver any or all of the activities specified in these Guidelines, including any activities the provider is required to deliver under these Guidelines; and
  - (b) in the grant year, unless the Secretary has made a determination under subsection 38-40 of the Act in relation to the provider; and
  - (c) to supplement at least some of the activities of the provider established using a grant paid to the provider under other Parts of the Act.

Note: A *higher education provider* may be required to use an ISSP grant to award scholarships to Indigenous students and to provide certain support for Indigenous students: see sections 28(5) and 34 of these Guidelines.

A *higher education provider's* approval may be revoked if the provider fails to comply with, relevantly, the Act and any Guidelines made under section 238-10 of the Act that apply to the provider: see sections 19-65 and 22-15 of the Act.

The Act stipulates rules for the treatment of unspent grant amounts, reduction and repayment of grants, and overpayment. Specifically:

- (a) section 38-40 of the Act enables the Secretary to rollover unspent grant amounts paid under Part 2-2A of the Act to the next year;
  - (b) Part 2-5 of the Act provides that a *higher education provider* may have their grants reduced, or be required to repay a grant, for breaches of conditions of grants, including grants under Part 2-2A of the Act;
  - (c) Section 164-15 of the Act provides that an overpayment of an amount made to a *higher education provider* may be deducted from a future amount payable or recovered as a debt due to the Commonwealth.
- (2) A *higher education provider* must hold all unspent ISSP grant money in an account that meets the following criteria:

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- (a) the account is with a deposit-taking institution authorised under the *Banking Act 1959* (Cth) to carry on business in Australia; and
  - (b) the account is in the name of the provider; and
  - (c) the account is wholly controlled by the provider.
- (3) A *higher education provider* must manage its account and financial records so that all receipts and expenditure of an ISSP grant are clearly identifiable and ascertainable at all times.

## 15 Excluded use

A *higher education provider* must not use an ISSP grant for any of the following purposes:

- (a) administering any aspect of the provider's business other than delivery of activities specified in these Guidelines, except in the following circumstances:
  - (i) the business activity is the delivery of a *unit of study* about Indigenous societies and cultures; and
  - (ii) in the year before these Guidelines commenced, the provider used a grant received under the Indigenous Support Program to deliver the same business activity; and
  - (iii) an administering officer has approved a transition plan prepared by the provider committing the provider to cease using an ISSP grant to deliver that business activity by the end of an agreed period of time;
- (b) duplicating an amount obtained by the provider or paid to an Indigenous student from other Commonwealth sources;
- (c) providing incentives to an employee, unless the activity is specified in these Guidelines;
- (d) funding corporate or administrative savings or dividends;
- (e) discharging any financial or other obligation of an Indigenous student, unless the student is in receipt of an Indigenous Commonwealth Education Costs Scholarship and the student makes a request in writing for an amount of the scholarship to be used to pay a loan, owed by the student, that has an education purpose;
- (f) providing assistance to an Indigenous student *enrolled* in a *VET course of study*, unless:
  - (i) the *VET course of study* is an *enabling course*; and
  - (ii) the provider is otherwise unable to provide assistance to the student or the assistance provides information on the provider's services or on undertaking a *course of study*;
- (g) paying for the following things:
  - (i) business or first class travel for an employee involved in delivering activities specified in these Guidelines or an Indigenous student, unless the employee or the student provides evidence to the provider that he or she has a medical condition that necessitates business or first class travel;

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- (ii) international travel for an employee or an Indigenous student, unless, in the case of an Indigenous student, the travel is a requirement of the student's *course of study* and the student is unable to cover, or otherwise obtain financial assistance to cover, the costs of the travel.

## 16 Assets

- (1) A *higher education provider* must not use an ISSP grant to purchase an asset unless an administering officer approves the purchase in writing.
- (2) If a *higher education provider* uses an ISSP grant to purchase an asset, the provider must:
  - (a) use the asset for the activities specified in these Guidelines; and
  - (b) protect and maintain the asset; and
  - (c) maintain insurance for the asset for the full value of the asset.
- (3) If a *higher education provider* uses an ISSP grant to purchase an asset, the provider must not sell or dispose of the asset without the prior written consent of an administering officer unless the asset has an adjustable value of less than \$5000.
- (4) If a *higher education provider* sells or disposes of an asset purchased using an ISSP grant, the provider must:
  - (a) use the proceeds of the sale or disposal for activities specified in these Guidelines; and
  - (b) notify the Minister of the amount or value of the proceeds of any sale or disposal of the asset in a statement accompanying the reports required under subsection 17(1) of these Guidelines.
- (5) A *higher education provider* must maintain a register of all assets purchased using an ISSP grant that remain within the provider's possession, which must include for each asset:
  - (a) a description of the asset, including the serial number and the location of the asset; and
  - (b) the purchase, lease, or acquisition price of the asset; and
  - (c) the amount of the ISSP grant used to purchase, lease or otherwise acquire the asset; and
  - (d) whether the asset is owned, leased or acquired; and
  - (e) the adjustable value of the asset.
- (6) At the end of a grant year, an administering officer may direct a *higher education provider* that used an ISSP grant to purchase an asset in the grant year to deal with the asset in a particular way, including but not limited to, directing the provider to:
  - (a) sell the asset and returning the full sale amount to the Commonwealth; or
  - (b) transfer the asset to the Commonwealth or its nominee.
- (7) A *higher education provider* must provide evidence that it has complied with the conditions in this section within 10 business days of a request by an administering officer.

- (8) In this section, *adjustable value* means the cost of an asset less its decline in value determined in accordance with the Australian Taxation Office Guide to Depreciating Assets 2014.

## 17 Reporting

- (1) A *higher education provider* that receives an ISSP grant must give the reports specified in column 2 of the table for activities delivered using the ISSP grant in the grant year to the Minister by the day specified in column 3 of the table.

Reporting		
Column 1	Column 2	Column 3
Item	Report	Date
1.	Acquittals report	Last business day of April of the next grant year.
2.	Performance report	Last business day of April of the next grant year.

Note: In addition to the reports specified in column 2 of the table in subsection (1), paragraph 19-10(1)(a) of the Act provides that a *higher education provider* must give to the Minister a financial statement for each *annual financial reporting period* for the provider in which the provider receives assistance under Chapter 2 of the Act.

- (2) The reports a *higher education provider* is required to give under subsection (1) must meet the following requirements:
- the reports must be prepared in a form, and contain the information, specified by an administering officer in writing; and
  - the reports must include a statement authorised by the provider's Indigenous Governance Mechanism.
- (3) An administering officer may request a revised report if the administering officer reasonably considers that the form or content of a report is unsatisfactory.
- (4) An administering officer may request any additional information or reports about the use of an ISSP grant by a *higher education provider*.
- (5) A *higher education provider* must comply with a reasonable request under subsections (3) or (4) within 10 business days of the request, or a longer period specified by an administering officer in writing.

## 18 Access to premises and records

- (1) An administering officer may, in writing, request access to the premises or records of a *higher education provider* for the purpose of determining whether the provider is using an ISSP grant in accordance with the Act and the Guidelines.
- (2) A *higher education provider* must not unreasonably withhold consent to a request under subsection (1).
- (3) A *higher education provider* that receives a request under subsection (1) must provide the administering officer with such assistance as is necessary and reasonable for determining whether the provider is using an ISSP grant in accordance with the Act and the Guidelines.

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## Part 5—ISSP grant conditions (scholarships)

### 19 Using ISSP grants for scholarships

Subject to these Guidelines and the Act, a *higher education provider* may use an ISSP grant to award the Indigenous Commonwealth Scholarships described in section 20 of these Guidelines to Indigenous students who are *enrolled* in a *course of study* with the provider.

### 20 Indigenous Commonwealth Scholarships

The Indigenous Commonwealth Scholarships that may be awarded using an ISSP grant are:

- (a) scholarships that assist with education costs (*Indigenous Commonwealth Education Costs Scholarships*);
- (b) scholarships that assist with relocation costs, accommodation costs, or relocation and accommodation costs (*Indigenous Commonwealth Accommodation Scholarships*);
- (c) scholarships (*Indigenous Commonwealth Reward Scholarships*) that
  - (i) involve a payment that is unlikely to be repeated; and
  - (ii) are not intended to duplicate or supplement the purpose for which an Indigenous Commonwealth Education Costs Scholarship or an Indigenous Commonwealth Accommodation Scholarship is provided; and
  - (iii) a recipient would not have reasonably expected, or necessarily anticipated, receiving.

### 21 Offering Indigenous Commonwealth Scholarships

- (1) A *higher education provider* that offers an Indigenous Commonwealth Scholarship to an Indigenous student must determine the value, purpose, duration and other conditions of the scholarship.
- (2) When making an offer of an Indigenous Commonwealth Scholarship to an Indigenous student, a *higher education provider* must inform the student that if the student accepts the offer the student may:
  - (a) be required to inform any of the following persons of the receipt of the scholarship, depending on his or her personal circumstances:
    - (i) an employee of the Human Services Department;
    - (ii) an employee of the Department administered by the Minister administering the *Veterans' Entitlements Act 1986*;
    - (iii) an employee of the Department administered by the Minister administering section 258 of the *Military Rehabilitation and Compensation Act 2004*; and
  - (b) not qualify for certain other forms of Commonwealth assistance.
- (3) For the 2017 and 2018 grant years, the amount of an ISSP grant a *higher education provider* must use to offer Indigenous Commonwealth Scholarships to Indigenous students from remote areas and regional areas must be:

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- (a) for the 2017 grant year – at least 95 per cent of the total value of earlier Indigenous Commonwealth Scholarships that the provider awarded to the following Indigenous students in the 2016 calendar year, unless otherwise agreed by the Minister in writing:
    - (i) Indigenous students from remote areas and regional areas; and
    - (ii) Indigenous students who met the additional eligibility requirements specified in paragraph 2.10.15 of the *Commonwealth Scholarships Guidelines (Education) 2010*;
  - (b) for the 2018 grant year – at least 95 per cent of the total value of Indigenous Commonwealth Scholarships that the provider awarded to Indigenous students from remote areas and regional areas in the 2017 grant year, unless otherwise agreed by the Minister in writing.

## 22 Awarding Indigenous Commonwealth Scholarships

- (1) In awarding an Indigenous Commonwealth Scholarship, a *higher education provider* must give priority to:
  - (a) Indigenous students from remote areas or regional areas; and
  - (b) Indigenous students who are financially disadvantaged.
- (2) If a *higher education provider* awards an Indigenous Commonwealth Scholarship to an Indigenous student who is not described in subsection (1), the provider must:
  - (a) document the reasons for the award of the scholarship on the student's file; and
  - (b) if requested by an administering officer, provide a copy of the reasons to the officer within 10 business days of the receipt of the request.
- (3) A *higher education provider* may award an Indigenous Commonwealth Scholarship as any of the following payments:
  - (a) a payment to the Indigenous student in the form of money or valuable consideration (*direct payment*);
  - (b) a payment on behalf of the Indigenous student to enable the student to undertake or complete a *course of study* (*indirect payment*);
  - (c) a combination of a direct and indirect payment.
- (4) A *higher education provider* must not award an Indigenous Commonwealth Scholarship to an Indigenous student unless the student accepts in writing the conditions of the scholarship as determined by the provider.

## 23 Monitoring use of Indigenous Commonwealth Scholarships

A *higher education provider* must take all reasonable steps to ensure that the recipient of an Indigenous Commonwealth Scholarship complies with the conditions of the scholarship, including using the scholarship for its intended purpose.



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## 24 Interaction with other forms of assistance

- (1) Subject to subsection (2), a *higher education provider* may award an Indigenous Commonwealth Scholarship to an Indigenous student already in receipt of assistance.
- (2) A *higher education provider* must take all reasonable steps to avoid awarding an Indigenous Commonwealth Scholarship to an Indigenous student where the award of the scholarship would result in the student receiving assistance concurrently from two or more Commonwealth sources for the same purpose.

Note: A person in receipt of an Indigenous Commonwealth Education Costs Scholarship or an Indigenous Commonwealth Accommodation Scholarship will not qualify for assistance intended for the same or similar purpose under the *Social Security Act 1991*, the ABSTUDY Scheme and the *Student Assistance Act 1973*, the *Veterans' Children Education Scheme*, or the *Military Rehabilitation and Compensation Act Education and Training Scheme 2004*.

## 25 Notices to Commonwealth Departments

- (1) A *higher education provider* must notify the following persons of the award of an Indigenous Commonwealth Education Costs Scholarship or an Indigenous Commonwealth Accommodation Scholarship to an Indigenous student in a semester or trimester, and the amount or value of the scholarship, by the day specified under subsection (2):
  - (a) an employee of the Human Services Department;
  - (b) an employee of the Department administered by the Minister administering the *Veterans' Entitlements Act 1986*;
  - (c) an employee of the Department administered by the Minister administering section 258 of the *Military Rehabilitation and Compensation Act 2004*.
- (2) For each semester or trimester, an administering officer must specify in writing the last day for a *higher education provider* to notify the persons specified under subsection (1).
- (3) If a *higher education provider* awards an Indigenous Commonwealth Education Costs Scholarship or an Indigenous Commonwealth Accommodation Scholarship for study in a semester or trimester after the day specified under subsection (2), the provider must notify the persons specified under subsection (1) of the award of the scholarship and amount or value of the scholarship as soon as possible.

## 26 Termination of Indigenous Commonwealth Scholarships

- (1) A *higher education provider* must terminate an Indigenous Commonwealth Scholarship if the scholarship recipient ceases to be *enrolled* in a *course of study* with the provider.
- (2) A *higher education provider* may terminate an Indigenous Commonwealth Scholarship if the scholarship recipient fails to comply with a condition of the scholarship.

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## 27 Recovery of Indigenous Commonwealth Scholarship amounts

- (1) Subject to subsection (2), a *higher education provider* must take steps to recover an amount of an Indigenous Commonwealth Scholarship that has not been exhausted if:
  - (a) a *higher education provider* terminates the scholarship under section 26 of these Guidelines; or
  - (b) if the scholarship recipient transfers his or her course of study from the provider to a different *higher education provider*.
- (2) If a *higher education provider* determines that the recipient of an Indigenous Commonwealth Scholarship had valid reasons for the circumstances resulting in termination or transfer, or the recipient would suffer severe financial hardship as a result of recovery under subsection (1), the provider may:
  - (a) elect not to recover a scholarship amount that has not been exhausted; or
  - (b) accept the return of an amount that is less than the total of the scholarship amount that has not been exhausted.
- (3) For the purposes of subsection (2), valid reasons include, but are not limited to:
  - (a) the scholarship recipient develops an illness or injury that prevents the recipient continuing with the *course of study* for which the scholarship was awarded;
  - (b) the scholarship recipient is required to provide care or support for a member of the recipient's immediate family or household because of an illness or injury of that member or an unexpected emergency affecting that member;
  - (c) a member of the scholarship recipient's immediate family or household contracts or develops an illness or injury that poses a serious threat to that member's life;
  - (d) death of a member of the scholarship recipient's immediate family or household.
- (4) If a *higher education provider* elects not to recover a scholarship amount that has not been exhausted or accepts the return of an amount that is less than the total of the scholarship amount that has not been exhausted, the provider must:
  - (a) document the reasons why the whole amount was not recovered on the student's file; and
  - (b) if requested by an administering officer, provide a copy of the reasons to the officer within 10 business days of the receipt of the request.
- (5) Subject to the Act and these Guidelines, a *higher education provider* that recovers an amount of an Indigenous Commonwealth Scholarship other than a preserved Indigenous Commonwealth Scholarship may use the amount recovered for any or all of the activities specified in these Guidelines.
- (6) A *higher education provider* that recovers an amount of a preserved Indigenous Commonwealth Scholarship awarded under subsection 28(4) of these Guidelines must not use the amount for any subsequent activity.

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Note: Under section 164-15 of the Act, the Commonwealth may deduct an overpayment of an amount made to a higher education provider from any amount that is payable or to be paid to the provider, or recover the overpayment as a debt due to the Commonwealth.

## 28 Transitional arrangements for Indigenous Commonwealth Scholarships

- (1) A *higher education provider* must offer an Indigenous Commonwealth Scholarship other than a preserved Indigenous Commonwealth Scholarship to an Indigenous student if, in the year before the commencement of these Guidelines, the student satisfies the following criteria:
  - (a) the student received an earlier Indigenous Commonwealth Scholarship for an *enabling course* that was awarded by the provider; and
  - (b) the student successfully completed the *enabling course*.
- (2) Subject to these Guidelines, a *higher education provider* must offer a preserved Indigenous Commonwealth Scholarship to an Indigenous student if, before the commencement of these Guidelines, the student satisfied the following criteria:
  - (a) the student was in receipt of an earlier Indigenous Commonwealth Scholarship that was awarded by the provider for a *higher education award*; and
  - (b) the student was *enrolled* in, or was on approved leave from, the *course of study* for which the student received the scholarship; and
  - (c) the student had been *enrolled* in the *course of study* for no more than seven study periods in the *course of study* for which the student received the scholarship.
- (3) The preserved Indigenous Commonwealth Scholarship that a *higher education provider* must offer to an Indigenous student under subsection (2) must be for the same general purpose, and equivalent value to, the earlier scholarship.
- (4) A *higher education provider* that offers a preserved Indigenous Commonwealth Scholarship under subsection (2) must offer the scholarship only on the following conditions:
  - (a) subject to paragraphs (b) and (c), the scholarship has the same conditions as the earlier Indigenous Commonwealth Scholarship; and
  - (b) the scholarship is available for the study periods (*remaining study periods*) that the scholarship recipient had not used under the earlier Indigenous Commonwealth Scholarship; and
  - (c) any scholarship amount that remains to be utilised is to be forfeited if the scholarship recipient:
    - (i) defers his or her *course of study* for more than two study periods; or
    - (ii) fails to use the remaining study periods by 30 June 2021.
- (5) A *higher education provider* that offers an Indigenous Commonwealth Scholarship to an Indigenous student under subsection (1) or a preserved Indigenous Commonwealth Scholarship to an Indigenous student under subsection (2) must award the scholarship to the student if the student accepts the offer in writing.

- (6) A *higher education provider* must notify an administering officer in writing of the matters specified in column 2 of the table in respect of the expected award of preserved Indigenous Commonwealth Scholarships by the day specified in column 3 of the table.

<b>Notice of expected award of preserved Indigenous Commonwealth Scholarships</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Notice</b>	<b>Date</b>
1.	Notice of the amount of any potential ISSP grant the provider expects to use to award preserved Indigenous Commonwealth Scholarships in the grant year	Last business day of October of the preceding grant year
2.	Notice of the amount of an ISSP grant the provider expects to use to award preserved Indigenous Commonwealth Scholarships in the grant year	Last business day of April of the grant year

- (7) Subsection (1) and subsection (2) do not apply if an administering officer has agreed in writing that the *higher education provider* is no longer required to offer a preserved Indigenous Commonwealth Scholarships.
- (8) In this section, *equivalent value* means, in respect of a preserved Indigenous Commonwealth Scholarship, the amount or value of the preserved Indigenous Commonwealth Scholarship in the 2016 calendar year indexed using the method of indexation in Part 5-6 of the Act.

## **Part 6—ISSP grant conditions (other support and activities)**

### **29 Using ISSP grants for academic support**

- (1) Subject to subsection (2), a *higher education provider* may use an ISSP grant to provide academic support, including supplementary tuition, to an Indigenous student.
- (2) In using an ISSP grant to provide academic support, a *higher education provider* must give priority to Indigenous students who, in the provider's opinion, are at risk of the following:
- failing a *course of study*, or an element of the course; or
  - not completing a *course of study* to a required level.

### **30 Using ISSP grants for pastoral care etc**

A *higher education provider* may use an ISSP grant to provide pastoral care and other support activities to an Indigenous student, including, but not limited to:

- maintaining a safe cultural space on the premises of the provider for Indigenous students to learn and study;
- providing support services for Indigenous students that are in addition to support services available to *students*;
- providing advocacy and referral services to assist Indigenous students access and benefit from support services available to *students*.

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### 31 Using ISSP grants for cultural competency strategies

A *higher education provider* may use an ISSP grant to implement strategies to foster a culturally-safe learning environment for Indigenous students and employees of the provider who are Indigenous persons.

### 32 Using ISSP grants for engagement activities

A *higher education provider* may use an ISSP grant for the following engagement activities:

- (a) activities to engage and prepare Indigenous students to enrol in a *course of study*, including providing orientation activities, strategies for transition to higher education, and ancillary support for the following persons:
  - (i) school students;
  - (ii) persons undertaking training activities;
  - (iii) persons proposing mature-aged or other enrolment in a *course of study*;
- (b) activities to engage an Indigenous student who has withdrawn his or her enrolment in a *course of study*.

### 33 Paying a person to provide support

- (1) Subject to subsection (2), a *higher education provider* may use an ISSP grant to pay a person or organisation to deliver activities under this Part.
- (2) A *higher education provider* must not use an ISSP grant to pay a person or organisation unless the provider is satisfied that the person, or the person employed by the organisation to deliver the activities:
  - (a) has skills and knowledge in relation to matters of relevance to Indigenous persons; and
  - (b) has skills necessary to work with Indigenous persons to deliver quality higher education to Indigenous students; and
  - (c) is an appropriate person to provide the activities; and
  - (d) in relation to providing support to Indigenous students under section 29 of these Guidelines, is not undertaking a *unit of study* that the student is also undertaking.
- (3) In recruiting a person to deliver activities under this Part, a *higher education provider* must give priority to Indigenous persons.
- (4) In procuring an organisation to deliver activities under this Part, a *higher education provider* must give priority to organisations that employ, or provide training opportunities for, Indigenous persons.

### 34 Transitional arrangements for support

- (1) If, in the year before the commencement of these Guidelines, a *higher education provider* used a grant from the Commonwealth to provide support to Indigenous students, the provider must:

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- (a) if the grant was made under the Children and Schooling Programme of the Indigenous Advancement Strategy for supplementary tutorial assistance for Indigenous students – use an ISSP grant to offer support under section 29 of these Guidelines;
    - (b) if the grant was made under the Indigenous Support Program for pastoral care and other support activities for Indigenous students – use an ISSP grant to offer support under section 30 of these Guidelines.
  - (2) Subsection (1) does not apply if an administering officer has agreed in writing that the *higher education provider* is no longer required to provide that support.

## **Part 7—ISSP grant conditions (miscellaneous)**

### **35 Conflicts of interest**

A *higher education provider* that receives an ISSP grant must:

- (a) maintain a framework for identifying all potential and actual conflicts of interest arising from the provider’s use of the grant; and
- (b) take all reasonably practicable actions to ensure that all potential and actual conflicts of interest are avoided or prudently managed; and
- (c) keep a conflict of interest register that includes the action taken to manage a conflict and the outcome of that action; and
- (d) if requested by an administering officer, provide a copy of the register required by paragraph (c) of this section to the officer within 10 business days of the receipt of the request.

### **36 Grievances and complaints**

A *higher education provider* must make information publicly available that advises employees of the provider and Indigenous students of the procedures for dealing with grievances and making complaints about the use of an ISSP grant by the provider.

Note: Paragraph 2.4 of the Higher Education Threshold Standards Framework provided for in the *Higher Education Standards Framework (Threshold Standards) 2015* sets out threshold standards for mechanisms, allowing a person to resolve grievances and complaints, that a higher education provider is required to meet in order to be registered by the Tertiary Education Quality Standards Agency to operate in Australia under section 21 of the *Tertiary Education Quality and Standards Agency Act 2011*.

### **37 Policies and processes for using an ISSP grant**

- (1) Subject to these Guidelines and the Act, a *higher education provider* that receives an ISSP grant must:
  - (a) establish and maintain policies and processes for using the grant; and
  - (b) make information about those policies and processes publicly available, including to Indigenous persons in remote areas and regional areas.
- (2) A *higher education provider* must maintain full and accurate records of the use of an ISSP grant, including the selection processes followed to provide assistance to an Indigenous student.

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- (3) Where a *higher education provider* requires a person to apply for assistance or enter into a written agreement with the provider, the provider must not provide the assistance or make a payment using an ISSP grant unless the person has signed a form prepared by the provider in which the person acknowledges the following matters:
- (a) giving false or misleading information is a serious offence; and
  - (b) the person may incur a debt to the Commonwealth or the provider or both if the person receives assistance or payment that the person should not have received; and
  - (c) the provider may collect personal information of the person and share that information with the Commonwealth for the purposes of the Commonwealth administering these Guidelines.

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# Schedule 1—Method for determining ISSP grant amounts

## 1 Definitions

In this Schedule:

***Commonwealth Scholarships Program*** means the program provided for in Part A of the *Commonwealth Scholarships Guidelines (Education) 2010*.

***ceiling*** means, in respect of an eligible higher education provider's raw entitlement, an amount that is 1.15 times the provider's normal previous year allocation as established under the fourth step under subitem 5(2) of this Schedule.

***course completions*** has the meaning given by the glossary to the Higher Education Information Management System.

***floor*** means, in respect of an eligible higher education provider's raw entitlement, an amount that is 0.85 times the provider's normal previous year allocation as established under the fourth step under subitem 5(3) of this Schedule.

***Higher Education Student Data Collection*** means the statistical data collection about *students* maintained by the Education Department.

***interim allocation amount*** means the amount for an eligible higher education provider set under the fifth step in Item 6 of this Schedule.

***normal previous year allocation*** means the allocation for an eligible higher education provider for the previous grant year calculated under the fourth step under subitem 5(4) (for the 2017 grant year) or subitem 5(1) (for subsequent grant years) of this Schedule.

***Pool A*** means the pool established under item 1 of the table in the first step in Item 2 of this Schedule.

***Pool B*** means the pool established under item 2 of the table in the first step in Item 2 of this Schedule.

***Pool A entitlement*** means the entitlement of an eligible higher education provider established under item 1 of the table in the second step in Item 3 of this Schedule.

***Pool B entitlement*** means the entitlement of an eligible higher education provider established under item 2 of the table in the second step in Item 3 of this Schedule.

***raw entitlement*** means the entitlement of an eligible higher education provider to Pool B after the third step in Item 4 of this Schedule.

***success rate*** has the meaning given by the glossary to the Higher Education Information Management System.



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## 2 First step (Establish ISSP Grant Pools)

For each grant year, the amount to be spent on ISSP grants in the grant year as calculated under section 6 of these Guidelines is divided into the pools specified in column 2 of the table by performing the calculation in column 3 of the table.

ISSP grant pools		
Column 1	Column 2	Column 3
Item	Pool	Calculation
1.	Pool A	<ol style="list-style-type: none"><li>a. For a determination of ISSP grant amounts in a grant year before the start of the grant year – add the value of all preserved Indigenous Commonwealth Scholarships that eligible higher education providers expect to use to award in the grant year, as notified by providers under paragraph 28(5)(a) of these Guidelines</li><li>b. For any adjustments of ISSP grant amounts during the grant year – add the value of all preserved Indigenous Commonwealth Scholarships that eligible higher education providers expect to use to award in the grant year, as notified by providers under paragraph 28(5)(b) of these Guidelines</li><li>c. For a determination of ISSP grant amounts for the 2017 grant year before April of the grant year – add the value of all Indigenous Commonwealth Scholarships that eligible higher education providers expect to award in the grant year, as notified by providers before the start of the grant year</li></ol>
2.	Pool B	Subtract the amount of Pool A from the amount to be spent on ISSP grants, as calculated under section 6 of these Guidelines

## 3 Second step (Establish a Pool A and Pool B entitlement)

For each eligible higher education provider, establish the entitlements specified in column 2 of the table by performing the calculation or following the process in column 3 of the table.

<b>Pool entitlements</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Pool</b>	<b>Calculation</b>
1.	Pool A entitlement	a. For a determination of ISSP grant amounts in a grant year before the start of the grant year – the sum of the value of the preserved Indigenous Commonwealth Scholarships the provider expects to award in the grant year, as notified by the provider under paragraph 28(5)(a) of these Guidelines b. For any adjustment of ISSP grant amounts during a grant year – the sum of the value of the preserved Indigenous Commonwealth Scholarships the provider expects to award in the grant year, as notified by the provider under paragraph 28(5)(b) of these Guidelines; c. For a determination of ISSP grant amounts for the 2017 grant year before April of the grant year – the sum of the value of the preserved Indigenous Commonwealth Scholarships the provider expects to award in the grant year, as notified by the provider before the start of the grant year
2.	Pool B entitlement	Follow the third step through to the sixth step in Items 4 to 7 of this Schedule

#### **4 Third step (Establish a raw entitlement)**

- (1) Pool B is divided into the following components:
  - (a) a component for enrolment comprised of 30 per cent of Pool B (***Enrolment Component***);
  - (b) a component for regional areas and remote areas comprised of 10 per cent of Pool B (***Regional and Remote Component***);
  - (c) a component for success rate comprised of 30 per cent of Pool B (***Success Rate component***);
  - (d) a component for course completions comprised of 30 per cent of Pool B (***Completion Component***).
- (2) For each eligible higher education provider, the factor in column 2 of the table is established by performing the calculation in column 3 of the table using data consistent with the most recent publicly available full-year student data in the Higher Education Student Data Collection.

<b>Factors</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Factor</b>	<b>Calculation</b>
1.	Enrolment Factor	Divide the provider's <i>EFTSL</i> of Indigenous students by the sum of <i>EFTSL</i> of Indigenous students for all eligible higher education
2.	Regional and Remote Factor	Divide the provider's <i>EFTSL</i> of Indigenous students by the sum of <i>EFTSL</i> of Indigenous students from regional areas and remote areas for all eligible higher education providers
3.	Success Rate Factor	Divide the provider's success rate for Indigenous students by the sum of the success rates for Indigenous students at all eligible higher education providers
4.	Completion Factor	Divide the provider's course completions of Indigenous students by the sum of course completions of Indigenous students for all eligible higher education providers

- (3) For each eligible higher education provider, the component share in column 2 of the table is established by performing the calculation in column 3 of the table:

<b>Factors</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Component Share</b>	<b>Calculation</b>
1.	Enrolment Component Share	The provider's Enrolment Factor is multiplied by the amount of the Enrolment Component
2.	Regional and Remote Component Share	The provider's Regional and Remote Factor is multiplied by the amount of the Regional and Remote Component
3.	Success Rate Component Share	The provider's Success Rate Factor is multiplied by the amount of the Success Rate Component
4.	Completion Component Share	The provider's Completion Factor is multiplied by the amount of the Completion Component

- (4) An eligible higher education provider's **raw entitlement** is established by adding each of the following component shares of the provider:
- Enrolment Component Share; and
  - Regional and Remote Component Share; and
  - Success Rate Component Share; and
  - Completion Component Share.

## 5 Fourth step (Establish a floor and ceiling)

- (1) Subject to subitem (4), for each eligible higher education provider, a **normal previous year allocation** is calculated by:
- taking the provider's ISSP grant in the previous grant year as at 10 December; and
  - subtracting the amount of the grant allocated to the provider to award preserved Indigenous Commonwealth Scholarships; and

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- (c) indexing the result of (a) and (b) using the method of indexation set out in Part 5-6 of the Act.
  - (2) An eligible higher education provider's ceiling is established by multiplying the provider's normal previous year allocation by 1.15.
  - (3) An eligible higher education provider's raw entitlement floor is established by multiplying the provider's normal previous year allocation by 0.85.
  - (4) For the 2017 grant year, an eligible higher education provider's normal previous year allocation will be the sum of the following amounts:
    - (a) the amount of a grant made to the provider under the Indigenous Support Program as at 10 December 2016, except in the case of Batchelor Institute of Indigenous Tertiary Education where the amount will be \$190,420; and
    - (b) the amount of a grant made to the provider under the Children and Schooling Programme of the Indigenous Advancement Strategy for tutorial assistance as at 10 December 2016; and
    - (c) the amount of grants made to the provider under the Commonwealth Scholarships Program as at 10 December 2016, less the amount provider and the Commonwealth agreed as the total funding used for continuing scholarships under the Commonwealth Scholarships Program as at 10 December 2016.

## 6 Fifth step (Ensure a raw entitlement is within the floor and ceiling)

For each eligible higher education provider, an *interim allocation amount* is set by:

- (a) comparing the provider's raw entitlement to the provider's ceiling and floor; and
- (b) if:
  - (i) if the provider's raw entitlement is greater than or equal to the provider's ceiling, then the provider's interim allocation amount is set at the level of the provider's ceiling;
  - (ii) if the provider's raw entitlement is less than or equal to the provider's floor, then the provider's interim allocation amount is set at the level of the provider's floor;
  - (iii) if the provider's raw entitlement is greater than the provider's floor but less than the provider's ceiling, then the provider's interim allocation amount is set at the level of the provider's raw entitlement.

## 7 Sixth step (Redistribute any Pool B residual)

- (1) Any Pool B residual is determined by subtracting the sum of all eligible higher education providers' interim allocation amounts from Pool B.
- (2) If:
  - (a) the result of the calculation in subitem (1) is positive, repeat the function described in subsection (4) (*Function 1*) until the result is zero and then go to the seventh step in Item 8 of this Schedule;

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- (b) the result of the calculation in subitem (1) is negative, repeat the function described in subsection (5) (**Function 2**) until the result is zero and then go the seventh step in Item 8 of this Schedule;
      - (c) the result of the calculation in subitem (1) is zero, go to the seventh step in Item 8 of this Schedule.
    - (3) For each eligible higher education provider, the provider's Pool B entitlement is the provider's interim allocation amount when Pool B equals the sum of the interim allocation amounts for all eligible higher education providers.
    - (4) For the purposes of this Item, Function 1 has the following steps:
      - (a) set aside any eligible higher education provider (**ceiling capped provider**) whose interim allocation is set at the provider's ceiling under subparagraph 6(b)(i) of this Schedule;
      - (b) sum the interim allocation amounts of all eligible higher education providers (**non-ceiling capped providers**) whose interim allocation amount is not set at the provider's ceiling under subparagraph 6(b)(i) of this Schedule;
      - (c) calculate each non-ceiling capped provider's proportional share of the total from paragraph (b);
      - (d) for each non-ceiling capped provider, multiply the provider's share by the difference between Pool B and the sum of all eligible higher education provider's interim allocation amounts;
      - (e) subject to paragraph (f), for each non-ceiling capped provider, calculate a new interim allocation for the provider by adding the amount for the provider from paragraph (d) to the provider's interim allocation amount;
      - (f) if the new interim allocation for a non-ceiling capped provider is greater than or equal to the provider's ceiling, then the provider's new interim allocation is set at the provider's ceiling and the provider is a ceiling capped provider for any subsequent repetitions of Function 1;
      - (g) calculate the difference between Pool B and the sum of all ceiling capped provider interim allocation amounts and all new interim allocation amounts for non-ceiling capped providers.
    - (5) For the purposes of this Item, Function 2 has the following steps:
      - (a) set aside any eligible higher education provider (**floor capped providers**) whose interim allocation amount is set at the provider's floor under subparagraph 6(b)(ii) of this Schedule;
      - (b) sum the interim allocation amounts of all eligible higher education providers (**non-floor capped providers**) whose interim allocation is not set at the provider's floor under subparagraph 6(b)(ii) of this Schedule;
      - (c) calculate each non-floor capped provider's proportional share of the total from paragraph (b);
      - (d) for each non-floor capped provider, multiply the provider's share by the difference between Pool B and the sum of all eligible higher education provider's interim allocation amounts;
      - (e) subject to paragraph (f), for each non-floor capped provider, the calculation in paragraph (d) will reduce the interim allocation amount for the provider and result in a new interim allocation amount for the provider;
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- (f) if the new interim allocation amount for a non-floor capped provider is less than or equal to the provider's floor, then the provider's new interim allocation amount is set at the provider's floor and the provider is a floor capped provider for any subsequent repetitions of Function 2;
  - (g) calculate the difference between Pool B and the sum of all floor capped provider interim allocation amounts and all new interim allocation amounts for non-floor capped providers.

## **8 Seventh step (Determine an ISSP grant amount)**

For each eligible higher education provider, the provider's ISSP grant amount for a grant year is determined by adding each of the following entitlements:

- (a) the provider's Pool A entitlement for preserved Indigenous Commonwealth Scholarships; and
- (b) the provider's Pool B entitlement.