

EXPLANATORY STATEMENT

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

Commonwealth Scholarships Guidelines (Research) 2010

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

Subject: *Higher Education Support Act 2003*
Commonwealth Scholarships Guidelines (Research) 2010

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*. Part 2-4 of *the Act* provides that the guidelines for Commonwealth scholarships (referred to as the "*Commonwealth Scholarships Guidelines*") may provide for Commonwealth scholarships.

The purpose of the *Commonwealth Scholarships Guidelines* is to provide for the classes of Commonwealth scholarships described under section 46-10 of *the Act*. These include Australian Postgraduate Awards (*Australian Postgraduate Awards*) and International Postgraduate Research Scholarships (*International Postgraduate Research Scholarships*).

Grants are made for these Commonwealth scholarships to eligible Australian higher education providers (*HEP*) 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 *Commonwealth Scholarships Guidelines (Research) 2008* (see F2008L04396) and all subsequent amendments and to make the *Commonwealth Scholarships Guidelines (Research) 2010*.

The *Commonwealth Scholarships Guidelines (Research) 2010* sets out the purpose and programs under which grants may be made for postgraduate research scholarships under subsection 46-10(b), Part 2-3 of *the Act*. These include the *Australian Postgraduate Awards* and the *International Postgraduate Research Scholarships*.

General

The Administrative Arrangements Order (AAO) of 14 October 2010 revoked all administrative arrangements previously ordered and ordered that parts of *the Act* relating to research matters be dealt with by the Minister for Innovation, Industry, Science and Research. Matters relating to grants for the purposes of postgraduate research scholarships as described in subsection 46-10(b) are to be dealt with in the *Commonwealth Scholarships Guidelines (Research) 2010*.

As part of the revocation of the *Commonwealth Scholarships Guidelines (Research) 2008* and all subsequent amendments, amendments have been made to the *Commonwealth Scholarships Guidelines (Research) 2010* that are of a minor policy and administrative nature which do not substantially alter the existing arrangements for the higher education sector.

The changes to the chapters of the *Commonwealth Scholarships Guidelines (Research) 2010* include the broadening of the eligibility criteria such that commencing *International Postgraduate Research Scholarship* recipients will be able to apply for *Australian Postgraduate Awards* from 2011 and the inclusion of indexation arrangements as specified in *the Act*.

Detail of the Commonwealth Scholarships Guidelines (Research) 2010

Chapter 1 – Introduction

Chapter 1 sets out the purpose of the defined terms used in the *Commonwealth Scholarships Guidelines* and advises that the funding for the Commonwealth Scholarships Grants (Research) grants are appropriated on a financial year basis but calculated and paid on a calendar year basis.

Chapter 2 - Australian Postgraduate Awards

Chapter 2 specifies the *Australian Postgraduate Awards* provide scholarships to students of exceptional research potential undertaking a Higher Degree by Research (HDR) to assist with general living costs. Students may be eligible for the relocation and thesis allowances in addition to the annual stipend. *Australian Postgraduate Awards* are postgraduate research scholarships, in accordance with paragraph 46 10(b) of *the Act*.

Chapter 2 sets out the provisions dealing with *Australian Postgraduate Awards*, including the total grant amount for *Australian Postgraduate Awards* in the calendar year, the method by which grant amounts are to be determined, the indexation arrangements, student eligibility requirements, application and selection processes, payments to students, and conditions applying to scholarships.

HEPs are responsible for the application and offer processes and must maintain an *Australian Postgraduate Awards* selection policy which is publicly available and which accords with these *Commonwealth Scholarships Guidelines* and the fairness requirements in Subdivision 19-D of Part 2-1 of *the Act*.

The duration of a full-time *Australian Postgraduate Award* is three years for a Research Doctorate and two years for a Research Masters. The duration of a Research Doctorate may be extended in exceptional circumstances for a maximum of six months.

2.1 sets out the objectives of the *Australian Postgraduate Awards* scholarships.

2.5 sets out the conditions of grants of the *Australian Postgraduate Awards* scholarships.

2.5.1 sets out the amount available for *Australian Postgraduate Awards* for the calendar year as being the amount appropriated for that purpose and indexed in accordance with the method set out in Part 5-6 of *the Act*. This has been done to remove the need to revoke and remake this chapter of the guidelines each year to accommodate funding amount changes and to specify that the indexation arrangements under *the Act* do apply.

2.5.5 sets out the procedures for determining *Australian Postgraduate Awards* grant amounts to be paid to *HEPs*. Grant amounts are determined by a formula that allocates funding to support a number of new *Australian Postgraduate Awards* each year (allocated to *HEPs* according to their relative research performance) and funding for a proportion of *Australian Postgraduate Awards* allocated to *HEPs* in the previous three years.

2.5.10 sets out the conditions of eligibility for *Australian Postgraduate Awards* grants. The Department of Innovation, Industry, Science and Research (DIISR) will contact all *HEPs* to seek written confirmation of their intention to comply with the requirements set out in *Commonwealth Scholarships Guidelines* for the grant year. Only *HEPs* that confirm their intent will be eligible for *Australian Postgraduate Awards* funding in respect of the grant year.

HEPs must also report to *DIISR* with the total number of *Australian Postgraduate Awards* allocated to *International Postgraduate Research Scholarships* recipients for the grant year. *DIISR* will contact all *HEPs* and seek written confirmation of the number of *Australian Postgraduate Awards*

allocated to *International Postgraduate Research Scholarship* recipients by 30 April and 30 September of that grant year.

2.10. sets out the basic student eligibility requirements for an *Australian Postgraduate Awards* scholarship.

2.10.1 to be eligible for an *Australian Postgraduate Award* a student must:

- have completed a Bachelor Degree with First Class Honours, or be regarded by the *HEP* as having an equivalent level of attainment; and
- be undertaking a HDR; and
- be enrolled as a full-time student, unless the *HEP* has approved a part-time *Australian Postgraduate Award* for the student under paragraph 2.10.10 of the *Commonwealth Scholarships Guidelines*; and
- be a domestic student, as defined in *the Act* or an international student, as defined in the *Commonwealth Scholarships Guidelines*; and
- if undertaking
 - a Research Masters, not hold a Research Doctorate or a Research Masters or an equivalent research qualification; or
 - if undertaking a Research Doctorate, not hold a Research Doctorate or an equivalent research qualification; and
- must not previously have held a Commonwealth-funded postgraduate research scholarship, unless it was terminated within six months of the scholarship's payments commencing; and
- must not be receiving an equivalent award, scholarship (excluding an *International Postgraduate Research Scholarship*) or salary providing a benefit greater than 75% of the *Australian Postgraduate Awards* stipend rate to undertake the HDR. Income earned from sources unrelated to the course of study is not to be taken into account.

2.10.5 sets out the method by which a *HEP* can determine a level of attainment equivalent to a Bachelor Degree with First Class Honours, in accordance with paragraph 2.10.1 of the *Commonwealth Scholarships Guidelines*.

2.10.10 allows for *HEPs* to approve a part-time *Australian Postgraduate Awards* for a student if the student is a domestic student as defined in *the Act*, has exceptional circumstances or where a student is undertaking Commercialisation Training Scheme training concurrently with a HDR. A student who has a part-time *Australian Postgraduate Award* may revert to full-time study at any time with the permission of the *HEP*.

2.15 sets out that a *HEP* is responsible for the application, selection, offer processes and policies in relation to *Australian Postgraduate Awards* and must make information about the processes, policies and conditions readily and publicly available.

2.15.1 sets out the requirement for *Australian Postgraduate Awards* scholarships to be allocated through a competitive application process, with *HEPs* determining the form and date for applications. It also requires the application form to warn students that it is a serious offence to give false or misleading information.

2.15.5 sets out the requirement for the *HEP* to maintain an *Australian Postgraduate Awards* selection policy which is publicly available and is consistent with the *Commonwealth Scholarships Guidelines* and the fairness requirements in Subdivision 19-D of Part 2-1 of *the Act*.

2.15.10 sets out the requirement that a *HEP* must offer as many *Australian Postgraduate Awards* scholarships as they can support with their grant amount and the requirement for *HEPs* to manage their *Australian Postgraduate Awards* liabilities.

2.20 sets out the requirements on *HEPs* for the use of *Australian Postgraduate Awards* grant amounts.

- A HEP must spend *Australian Postgraduate Awards* grant amounts only on the making of *Australian Postgraduate Award* payments to students awarded an *Australian Postgraduate Award* who are undertaking their HDR with the HEP.
- Each year, a HEP must pay each student the full value of their *Australian Postgraduate Award* stipend unless that student has commenced late or suspended their *Australian Postgraduate Award* or the *Australian Postgraduate Award* has been terminated. Where a student is not enrolled over the full period of the year, because of a late commencement or periods of suspension, the HEP must pay at least the proportion of the annual stipend for the period in which study is undertaken for that year.
- A HEP must make fortnightly payments to students in respect of their annual stipend. Payments must be made directly into an Australian authorised deposit-taking institution account in the student's name.

2.20.1 states that DIISR will advise HEPs of the yearly full-time and part-time *Australian Postgraduate Award* stipend rates by 1 October of the preceding year. The full-time *Australian Postgraduate Award* stipend rate for any particular year may be the same as that for the proceeding year, indexed in accordance with the method set out in Part 5-6 of *the Act*, or it may be a different amount as determined by the Minister.

2.20.5 allows students to make a claim to the HEP for a relocation allowance in addition to the annual stipend for the cost of relocating themselves, their spouse and dependants to a new place of residence where this is necessary to enable the student to undertake the HDR. A HEP must maintain and apply its relocation allowance policy. A claim for relocation allowance is assessed against a HEPs relocation allowance policy.

2.20.10 allows students to make a claim to the HEP be eligible an allowance in addition to the annual stipend for the cost of producing a Research Masters thesis or Research Doctorate thesis. A HEP must maintain and apply its thesis allowance policy. A claim for thesis allowance is assessed against a HEPs thesis allowance policy.

2.20.15 sets out the duration of a full-time *Australian Postgraduate Award*.

- The duration of a full-time *Australian Postgraduate Award* is three years for a student undertaking a Research Doctorate, and two years for a student undertaking a Research Masters. The duration of a part-time *Australian Postgraduate Award* is six years for a Research Doctorate and four years for a Research Masters.
- The duration of an *Australian Postgraduate Award* will be reduced by any periods of study undertaken:
 - towards the degree prior to the commencement of the *Australian Postgraduate Award*; or
 - towards the degree during suspension of the *Australian Postgraduate Award* (unless the study was undertaken overseas as part of an Commonwealth Government financially supported international postgraduate research scholarship or award).
- The duration of an *Australian Postgraduate Award* will be increased by any periods of paid sick or maternity leave approved by the HEP.

2.20.20 sets out the conditions for approval of an extension to the duration of an *Australian Postgraduate Award*.

- A HEP may also approve an extension to the duration of an *Australian Postgraduate Award* for a Research Doctorate student of up to six months provided the student is making satisfactory progress and the grounds for the extension relate to the study and are beyond the control of the student. A HEP must not approve an extension to the duration of an *Australian Postgraduate Award* for a Research Masters student.
- If a part-time *Australian Postgraduate Award* is converted to a full-time *Australian Postgraduate Award* then the period of time that the student is regarded as having been in receipt of the part-time *Australian Postgraduate Award* immediately prior to the conversion will be halved for the purpose of determining the duration the student is

regarded as having been in receipt of a full-time *Australian Postgraduate Award* immediately after conversion.

- If a full-time *Australian Postgraduate Award* is converted to a part-time *Australian Postgraduate Award* then the period of time that the student is regarded as having been in receipt of the full-time *Australian Postgraduate Award* immediately prior to the conversion will be doubled for the purpose of determining the duration the student is regarded as having been in receipt of a part-time *Australian Postgraduate Award* immediately after conversion.

2.25 sets out the conditions that apply to students in receipt of an *Australian Postgraduate Award* scholarship.

2.25.1 sets out the *HEP*'s obligation to monitor a student's ongoing eligibility to receive an *Australian Postgraduate Award* scholarship.

2.25.5 allows students to apply to their *HEP* for a suspension of their *Australian Postgraduate Award*. Any period of suspension is at the discretion of the *HEP*.

2.25.10 allows an *Australian Postgraduate Award* student to transfer to another *HEP*. Students may be able to continue to receive an *Australian Postgraduate Award* from the new *HEP* if their new *HEP* agrees to its continuation and subject to the new *HEP* having sufficient *Australian Postgraduate Award* grant amounts of its own available.

2.25.15 allows for student to convert their research masters degree to a research doctorate degree or convert their research doctorate to a research masters degree and continue receiving their *Australian Postgraduate Award*. The maximum duration for the new *Australian Postgraduate Award* becomes that for the new research degree minus periods of study undertaken towards the related degree prior to the conversion.

2.25.20 sets out the leave entitlements for students in receipt of an *Australian Postgraduate Award* including, recreation leave, sick leave, maternity leave and parenting leave.

2.25.25 allows for a domestic student to undertake work outside of their HDR subject to the approval of their *HEP*. International students may undertake work in accordance with the work conditions specified for international students subject to the approval of their *HEP*. A *HEP* may not approve a student undertaking work unless it is satisfied the work will not interfere with the student's study for their HDR and work commitments cannot be accepted as grounds for an extension of the duration of the scholarship.

2.25.30 sets out the circumstances under which a *HEP* must terminate an *Australian Postgraduate Award*. If an *Australian Postgraduate Award* is terminated, it can not be re-activated unless the termination occurred in error.

2.25.35 sets out the obligations on *HEPs* in relation to students providing false or misleading information in relation to their *Australian Postgraduate Award*.

2.30 sets out miscellaneous provision relating to *Australian Postgraduate Awards*.

2.30.1 sets out the obligations on *HEPs* regarding the provision of supervision and facilities for HDR students in receipt of *Australian Postgraduate Awards*.

Chapter 3 - International Postgraduate Research Scholarships

Chapter 3 specifies that the *International Postgraduate Research Scholarships* scheme was established to maintain and develop international research linkages and specifically aims to

attract top quality international postgraduate students to areas of research strength in the Australian higher education sector and support Australia's research effort.

Chapter 3 sets out the provisions dealing with *International Postgraduate Research Scholarships*, including the total grant amount available for the calendar year, the method by which grant amounts are determined, the indexation arrangements, student eligibility requirements, application and selection processes, payments to students, and conditions applying to scholarships.

HEPs receive a grant for *International Postgraduate Research Scholarships* each year based on a formula which takes into account data on their research performance in the two most recent years for which data are available.

HEPs are responsible for the application and offer processes and must maintain an *International Postgraduate Research Scholarships* selection policy which is publicly available and which accords with these *Commonwealth Scholarships Guidelines* and the fairness requirements in Subdivision 19-D of Part 2-1 of *the Act*.

The duration of an *International Postgraduate Research Scholarship* is generally three years for a Research Doctorate and two years for a Research Masters.

International Postgraduate Research Scholarships provide the cost of tuition fees and required Overseas Student Health Cover premiums. *HEPs* must ensure that adequate facilities and appropriate supervision are available for each student to undertake their proposed research programme and establish, make publicly available, and abide by, a code of supervisory practice for students undertaking a HDR.

3.1 sets out the objectives of the *International Postgraduate Research Scholarships* scheme.

3.1.1 describes the *International Postgraduate Research Scholarships* aim to maintain and develop international research linkages and specifically aim to attract top quality international postgraduate students to areas of research strength in the Australian higher education sector and support Australia's research effort.

3.1.5 describes *International Postgraduate Research Scholarships* as postgraduate research scholarships, in accordance with paragraph 46-10(b) of *the Act*.

3.5.1 sets out the amount available for *International Postgraduate Research Scholarships* for the calendar year as being the amount appropriated for that purpose and indexed in accordance with the method set out in Part 5-6 of *the Act*. This has been done to remove the need to revoke and remake this chapter of the guidelines each year to accommodate funding amount changes and to specify that the indexation arrangements under *the Act* do apply.

3.5.5 sets out the procedures for determining *International Postgraduate Research Scholarships* grant amounts to be paid to *HEPs*. Grant amounts are determined by a formula that allocates the notional number of awards for a grant year, which is weighted by HDR completions, research income and research publications. It also sets out the formula for calculating the grant to be paid to each *HEP*.

3.5.8 sets out the conditions of eligibility for *International Postgraduate Research Scholarships* grants. DIISR will contact all *HEPs* to seek written confirmation of their intention to comply with the requirements set out in *Commonwealth Scholarships Guidelines* for the grant year. Only *HEPs* that confirm their intent will be eligible for *International Postgraduate Research Scholarships* funding in respect of the grant year.

3.10 sets out the basic student eligibility requirements for *International Postgraduate Research Scholarships*.

3.10.1 to be eligible for *International Postgraduate Research Scholarships*, a student must:

- be an overseas student as defined in *the Act*;
- meet international student visa requirements;
- be commencing full-time enrolment for the first time in a HDR at a *HEP*;
- be studying in one of the *HEPs* areas of research concentration;
- not hold an equivalent research qualification;
- not have held an Australian Agency for International Development scholarship within the previous two years;
- not be receiving any other Australian Government funded scholarship that covers course tuition; and
- must also comply with the conditions of their visa.

3.15 sets out that a *HEP* is responsible for the application, selection and offer processes and policies in relation to *International Postgraduate Research Scholarships* and must make information about the processes, policies and conditions readily and publicly available.

3.15.1 sets out the requirement for *International Postgraduate Research Scholarships* to be allocated through a competitive application process, with *HEPs* determining the form and date for applications. It also requires the application form to warn students that it is a serious offence to give false or misleading information.

3.15.5 sets out a requirement for *HEPs* to maintain an *International Postgraduate Research Scholarships* selection policy which is publicly and available and is consistent with the *Commonwealth Scholarships Guidelines* and the fairness requirements in Subdivision 19-D of Part 2-1 of *the Act*.

3.15.10 sets out the requirement that *HEPs* must offer as many *International Postgraduate Research Scholarships* as they can support with their grant amount and the requirement for *HEPs* to manage their *International Postgraduate Research Scholarship* liabilities.

3.20 sets out the requirement on *HEPs* for the use of *International Postgraduate Research Scholarships* grant.

3.20.1 sets out the value of an *International Postgraduate Research Scholarship*.

3.20.5 sets out the processes for dealing with situations where *International Postgraduate Research Scholarship* recipients do not commence, or withdraw from, their course.

3.20.10 sets out the duration of the *International Postgraduate Research Scholarships* for a Research Doctorate is three years and for Research Masters is two years, and in what circumstances that duration can be reduced.

3.20.15 sets out the conditions for approval of an extension to the duration of *International Postgraduate Research Scholarships*.

3.25 sets out the conditions that apply to students in receipt of an *International Postgraduate Research Scholarship*.

3.25.1 sets out the *HEPs* obligations to monitor a students ongoing eligibility to receive an *International Postgraduate Research Scholarship*.

3.25.5 allows students to apply to their *HEP* for a suspension of their *International Postgraduate Research Scholarship*. Any period of suspension is at the discretion of the *HEP*.

3.25.10 sets out the process for an *International Postgraduate Research Scholarship* recipient to transfer from one *HEP* to another and the exceptional circumstances that may allow the

scholarship to be transferred with the student. The exceptional circumstances relate to the former *HEP* supporting the student's transfer and the new eligible scholarship *HEP* agreeing to continue providing the scholarship.

3.25.15 allows for a student to convert their Research Masters degree to a Research Doctorate degree or convert their Research Doctorate to a Research Masters degree and continue to receive *International Postgraduate Research Scholarships*. The maximum duration for the new *International Postgraduate Research Scholarships* becomes that for the new research degree minus periods of study undertaken towards the related degree prior to the conversion.

3.25.20 allows a student to change from the area of research originally indicated in their placement providing;

- the new research area is one of the *HEPs* areas of research concentration; and
- there will be no extension to the duration of the *International Postgraduate Research Scholarships* arising from the change of research area beyond the period of the original placement or *International Postgraduate Research Scholarships* offer, including any previously approved extensions. The only exception is where the change of research area results from circumstances relating to the research which are outside the control of the student and the *HEP*.

3.25.25 allows a student to undertake work outside of their HDR subject to the approval of their *HEP*. A *HEP* may not approve a student undertaking work unless it is satisfied the work will not interfere with the student's study for their HDR. Work that is specified as a course requirement does not apply.

3.25.30 sets out the circumstances under which a *HEP* must terminate an *International Postgraduate Research Scholarships*.

3.25.35 sets out the obligations on *HEPs* in relation to students providing false or misleading information in relation to their *International Postgraduate Research Scholarships*.

3.30.1 sets out the obligations on *HEPs* regarding the provision of supervision and facilities for HDR students in receipt of *International Postgraduate Research Scholarships*.

Consultations

A key recommendation of the 2009 evaluation of the IPRS scheme was the opening of *Australian Postgraduate Awards* to *International Postgraduate Research Scholarships* recipients from 2011.

In September 2010, DIISR invited comment from HEPs on changes to the *Commonwealth Scholarships Guidelines* including the provisions of broadening the eligibility criteria for *Australian Postgraduate Awards* within the *Commonwealth Scholarships Guidelines*. Comments received supported the amendments to enable *International Postgraduate Research Scholarships* recipients, commencing from 1 January 2011, to be eligible to able to apply for *Australian Postgraduate Awards*. Minor amendments were also made as a result of feedback. The changes have been incorporated into Chapter 2 and Chapter 3 of the *Commonwealth Scholarships Guidelines (Research) 2010*.

Commencements

The *Commonwealth Scholarships Guidelines (Research) 2010* will take affect the day after they are registered on the Federal Register of Legislative Instruments.