



Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination (No. 2) 2018

I, Peter Kay, Delegate of the Secretary, make the following determination.

Dated 1 June 2018

Peter Kay
Senior Adviser, Department of the Prime Minister and Cabinet

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1 Name

This instrument is the *Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination (No. 2) 2018*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under subsection 38-40(3) and subsection 38-40(4) 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) higher education provider;
- (c) officer;
- (d) postgraduate course of study;
- (e) student.

These expressions are identified in *italics* 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.

grant year means the 2017 calendar year.

Guidelines means the *Indigenous Student Assistance Grants Guidelines 2017*.

ISSP grant means a grant provided for under section 5 of the Guidelines in the grant year.

ISSP rollover grant means the amount of the unspent amount of an ISSP grant received by a *higher education provider* for the grant year that, because of section 38-40 of the Act, is taken to be granted to a *higher education provider* under Part 2-2A of the Act in respect of the next following year.

5 Rollover of ISSP grant amounts

For the purposes of subsection 38-40(1) of the Act, the following is determined under subsection 38-40(3) of the Act:

- (a) section 38-40 applies to the following *higher education providers*:
 - (i) Batchelor Institute of Indigenous Tertiary Education; and
 - (ii) University of Adelaide; and

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- (b) the amount specified in column 3 of the table is the amount of the unspent amount of the ISSP grant of a *higher education provider* specified in column 2 of the table.

Column 1	Column 2	Column 3
Item	Higher education provider	Amount of unspent amount of ISSP grant
1.	Batchelor Institute of Indigenous Tertiary Education	\$47,506
2.	University of Adelaide	\$233,500

- Note 1: If section 38-40 is determined to apply to a *higher education provider* in respect of a grant, then the effect of subsection 38-40(1) of the Act is to rollover the amount of the unspent amount of the grant that is determined to the next following year as a new grant under Part 2-2A of the Act.
- Note 2: The ISSP rollover grant amount for a *higher education provider* listed in paragraph (a) is the amount specified in column 3 of the table for the provider.
- Note 3: 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.

6 Conditions on ISSP rollover grants

For the purposes of paragraph 38-40(2)(b) of the Act, the conditions in Schedule 1 to this instrument are determined under subsection 38-40(4) of the Act to apply to an ISSP rollover grant.

- Note 1: A *higher education provider's* approval may be revoked if, among other things, the provider breaches a condition of a grant made to the body under Part 2-2A of the Act: see sections 19-65 and 22-15 of the Act.
- Note 2: 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.

Schedule 1—ISSP rollover grants

1 Using an ISSP rollover grant

- (1) A *higher education provider* specified in column 2 of the table must use the provider's ISSP rollover grant:
- (a) to administer and deliver the activity or activities specified in column 3 of the table for the provider; and
 - (b) in the 2018 calendar year, unless the Secretary has made a determination under subsection 38-40 of the Act in relation to the provider in the next following year.

Description of activity		
Column 1	Column 2	Column 3
Item	Higher education provider	Activity
1.	Batchelor Institute of Indigenous Tertiary Education	Establishment of the Higher Degree by Research Candidate Scholarship Framework.
2.	University of Adelaide	<ul style="list-style-type: none">a. Creation of an Indigenous student Annual Academic Action Pack;b. Increase of community outreach and engagement in a culturally safe and appropriate way by delivering the Marni Wingku Roadshow; andc. Establishment of an identified space for Indigenous students in each Faculty.

- (2) A *higher education provider* must not use an ISSP rollover grant to administer any aspect of the provider's business other than delivery of the activity or activities specified for the provider in sub-item (1).

3 Payment a person to deliver activities

- (1) Subject to sub-item (2), a *higher education provider* may use an ISSP rollover grant to pay a person or organisation to deliver an activity specified for the provider in sub-item 1(1) of this instrument.
- (2) In recruiting a person to deliver an activity, a *higher education provider* must give priority to Indigenous persons.
- (3) In procuring an organisation to deliver an activity, a *higher education provider* must give priority to organisations that employ, or provide training opportunities for, Indigenous persons.

4 Reporting

- (1) A *higher education provider* that receives an ISSP rollover grant must give the reports specified in column 2 of the table for activities delivered using the grant 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 2019
2.	Performance report	Last business day of April of 2019

Note: In addition to the reports specified in column 2 of the table, 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) In giving a report to the Minister under sub-item (1), a *higher education provider* may:
- (a) give the acquittals report with the acquittals report for an ISSP grant the provider is required to give to the Minister under item 1 of the table in subsection 17(1) of the Guidelines; and
 - (b) give the performance report with the performance report for an ISSP grant the provider is required to give to the Minister under item 2 of the table in subsection 17(1) of the Guidelines.
- (3) An administering officer may request a *higher education provider* revise a report described in column 2 of the table in sub-item (1) if the administering officer reasonably considers that the form or content of the report is unsatisfactory.
- (4) An administering officer may request any additional information or reports about the use of the ISSP rollover grant.
- (5) A *higher education provider* must comply with a reasonable request under sub-items (3) or (4) within 10 business days of the request, or a longer period specified by an administering officer in writing.

5 Application of the Guidelines

The requirements of subsections 14(2) and (3), section 15 (other than paragraph (a)), section 16, section 35, section 36 and section 37 of the Guidelines apply to an ISSP rollover grant.