



## **Other Grants Guidelines (Research) Amendment (No.1) 2019**

**COMMONWEALTH OF AUSTRALIA**

*Higher Education Support Act 2003*

I, DAN TEHAN, Minister for Education, make the following legislative instrument.

Dated 27 November 2019

**DAN TEHAN**

Minister for Education

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## **Part 1            Preliminary**

**1            Name of Guidelines**

This instrument is the *Other Grants Guidelines (Research) Amendment (No. 1) 2019*.

**2            Commencement**

This instrument commences on the day after it is registered.

**3            Authority**

This instrument is made under section 238-10 of the *Higher Education Support Act 2003* (Act) for the purposes of Part 2-3 of the Act.

**4            Schedules**

The *Other Grants Guidelines (Research) 2017* are amended as set out in Schedule 1 to this instrument.

## Schedule 1 - Amendments

### *Other Grants Guidelines (Research) 2017*

#### **1 Section i.v:**

Insert or amend the following definitions in the appropriate alphabetical order:

<i>Category 1</i>	is Australian competitive grants <i>R&amp;D</i> income in <i>HERDC</i>
<i>Category 2</i>	is other public sector <i>R&amp;D</i> income in <i>HERDC</i>
<i>Category 3</i>	is industry and other <i>R&amp;D</i> income in <i>HERDC</i>
<i>Category 4</i>	is Cooperative Research Centre <i>R&amp;D</i> income in <i>HERDC</i>
<i>the department</i>	means the Commonwealth Department of Education
<i>R&amp;D or research</i>	means Research and Experimental Development as defined in the Frascati Manual 2015 maintained by the Organisation for Economic Cooperation and Development

## **2 Delete paragraph 1.4.5 and replace with:**

### **1.4.5 How Grant Amounts are Determined**

Subject to any adjustment that may be made under paragraph 1.4.26, the *RSP* Grant Amount allocated to a *HEP* for the *Grant Year* comprises the sum of:

- (a) the *HEP's RSP* Basic Grant Amount calculated in paragraph 1.4.10, and
- (b) any adjustments made through the application of the transitional safety net calculated in paragraph 1.4.15 (if applicable)

as rounded in accordance with paragraph 1.4.25.

## **3 Delete paragraph 1.4.20 and replace with:**

### **1.4.20 Grant Amounts for 2021 and future *Grant Years***

Subject to any adjustment that may be made under paragraph 1.4.26, for the 2021 and future *Grant Years*, each *HEP's RSP* Grant Amount is equal to that *HEP's* Basic Grant Amount calculated in paragraph 1.4.10.

## **4 After paragraph 1.4.25 insert:**

### **1.4.26 Adjustments**

- (1) If a *HEP* provides incorrect *HERDC* data used to calculate the *HEP's* *RSP* Grant Amount for a *Grant Year*, the *HEP* must correct the information provided to the *department* ('corrected data').
- (2) If the *HEP* provides corrected data on or before 1 October in the year the data was first provided the *department* will take into account the corrected data when calculating *RSP* Grant Amounts under paragraphs 1.4.5 or 1.4.20.
- (3) Subject to subparagraph 1.4.26(4), if a *HEP* provides corrected data after 1 October in the year the data was first provided, the corrected data will not be used to calculate, or adjust, the *HEP's RSP* Grant Amount for a *Grant Year*.
- (4) Where corrected data is provided in accordance with subparagraph 1.4.26(3), the *department* will use the method specified in paragraphs 1.4.5 or 1.4.20 to determine the Grant Amount the *HEP* would have been paid for the *Grant Year* if the corrected data had been used. If the *department* determines that a *HEP* has received an overpayment in respect of the *Grant Year*, the *HEP* must repay the amount of the overpayment to the *department*.