I, JULIA GILLARD, Minister for Education, pursuant to section 238-10 of the *Higher Education Support Act 2003* (‘the Act’) make the attached Commonwealth Scholarships Guidelines (Education) 2010, which provide for matters under Part 2-4 of the Act.

Dated: 14 March 2010

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JULIA GILLARD
Minister for Education

1 CITATION
These Guidelines may be cited as the Commonwealth Scholarships Guidelines (Education) 2010.

2 AUTHORITY
These Guidelines are made under section 238-10 of the *Higher Education Support Act 2003* for the purposes of Part 2-4 of the Act.

3 DATE OF EFFECT
These Guidelines take effect on the day after the day on which they are registered on the Federal Register of Legislative Instruments.

4 REVOCATION
The Commonwealth Scholarships Guidelines commencing 8 December 2008 and all subsequent amendments, are revoked.

5 TRANSITIONAL ARRANGEMENTS
(1) The revocation of the Commonwealth Scholarships Guidelines that commenced on 8 December 2008 and all subsequent amendments, does not affect the validity of a payment or decision made under those guidelines.

(2) A decision made under those Guidelines is taken to continue to have effect as if it were made under these Guidelines.
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CHAPTER 1 INTRODUCTION

1.1 PURPOSE
The purpose of these Guidelines is to provide additional guidance for Commonwealth Scholarships under section 46-20 of the Act.

Privacy Act 1988
In administering the Act, the Department is bound by the provisions of the Privacy Act 1988.

Freedom of Information
All documents in the possession of the Department including those in relation to the Commonwealth Scholarship program are subject to the Freedom of Information Act 1982 (the FOI Act). The FOI Act provides general right to access to documents in possession of the Department, subject to certain exceptions and exemptions necessary for the protection of the essential public interests and the private and business affairs of third parties.
1.5 INTERPRETATION

1.5.1 Unless the contrary intention appears, the terms used in these Guidelines have the same meaning as in the Act.

1.5.5 In these Guidelines, unless the contrary intention appears:

- **the Act** means the *Higher Education Support Act 2003*
- **the provider** is the higher education provider that is administering the scholarship on behalf of the Commonwealth Government
- **AQF** means the Australian Qualifications Framework which is a unified system of national qualifications which includes the higher education sector
- **ASGC Remoteness Areas** means the Australian Standard Geographical Classification Remoteness Areas as described in the Australian Institute of Health and Welfare 2004 publication, *‘Rural, Regional and Remote Health: A Guide to Remoteness Classifications* and is based on *Socio-Economic Indexes for Areas (SEIFA) 2006*
- **Associate Degree** is a two year qualification accredited against higher education requirements and able to be offered by providers meeting the requirements set by the higher education sector in accordance with the *(MCEETYA)* National Protocols for Higher Education Approval Processes and will be “grandfathered” until entitlement is consumed. From 1 January 2010 new Associate Degrees scholarships will not be available for offer by higher education providers
- **CAS** means a Commonwealth Accommodation Scholarship including the categories of CAS-Ordinary; a CAS-Specialist; a CAS–Associate Degree, Indigenous Enabling-CAS; and a Indigenous Access Scholarship, more fully described in paragraph 2.1.1 and paragraph 2.30.1 of these Guidelines and will be “grandfathered” until entitlement is consumed
- **CECS** means a Commonwealth Education Costs Scholarship including the categories of CECS-Ordinary; a CECS-Priority Discipline; a CECS- Associate Degree and a Indigenous Enabling-CECS, more fully described in paragraph 2.1.1 and paragraph 2.30.1 of these Guidelines and will be “grandfathered” until entitlement is consumed
- **commencing scholarship holder** means a student in their first scholarship period
- **commencing student** means a student undertaking a course at entry level for the first time with the provider. From 1 January 2010 this will only apply to Indigenous students
Commonwealth Supported Student has the same meaning given by Schedule 1 of the Act (see above)

continuing scholarship holder means a student in their second or subsequent scholarship period

course of study has the same meaning given by Schedule 1 of the Act (see above)

course start date means for students commencing study at a tertiary institution, the start of the orientation period, or if students do not attend the orientation period, the actual day the course starts i.e. the first day of classes (see above)

cross-institutional programs A student is enrolled in a cross-institutional program if all of the following criteria are met:
• a program of study comprising a unit or a set of units of study is being undertaken with one provider (the host provider) as part of a course of study for which the student is enrolled with another provider (the home provider); and
• there is an arrangement for recognition between the two providers; and
• the cost of providing the program of study at the host provider is met by the host provider; and
• the home provider is not being funded for the program of study through student contributions or tuition fees paid by the student, through the CGS in the case of Commonwealth supported students, or through funding provided by an employer, an Australian Government, State or Territory department or agency, or any other individual or body

CS means a Commonwealth Scholarship of the various categories specified in paragraphs 2.1.1 and 2.30.1 of these Guidelines

Department or DEEWR means the Australian Government Department of Education, Employment and Workplace Relations

DIAC means the Australian Government Department of Immigration and Citizenship

EFTSL has the same meaning given by Schedule 1 of the Act

eligible enabling course has the same meaning as “enabling course” as defined in Schedule 1 of the Act; with the additional provisions that it must be the equivalent of at least 10 weeks full-time in duration; provide a pathway into an undergraduate course; and not be a course aimed at fast-tracking an undergraduate degree

eligible graduate or postgraduate course a graduate diploma (or equivalent graduate or postgraduate course of study) in an area of National
Priority required for initial registration to practice in the chosen National Priority area

full-time student load in respect of a scholarship, is at least 75% of an EFTSL in the scholarship period for which the scholarship is being paid

HEIMS means the Higher Education Information Management System

IAS Indigenous Access Scholarships

Indigenous for the purposes of Chapter 2 of these Guidelines, means a person who is of Australian Aboriginal or Torres Strait Islander descent; identifies as an Australian Aboriginal or Torres Strait Islander; and is accepted as an Australian Aboriginal or Torres Strait Islander in the community in which he/she lives or has lived

Indigenous Access Scholarships is a one-off payment for Indigenous students when undertaking an eligible enabling course, undergraduate course or eligible graduate or post graduate course. This also referred to as an Indigenous Access Payment

Indigenous Education Unit A unit located in a provider dedicated to the support of Indigenous students

IHEAC means the Indigenous Higher Education Advisory Council

internal student means a student who, for the majority of units of study in which they are enrolled in the scholarship period, is required to attend, on a regular basis, the campus of the provider or the campus of a host provider approved by the provider through a cross-institutional arrangement

ISS means an Indigenous Staff Scholarship as outlined in Chapter 3 of these Guidelines

MCTEE means the Ministerial Council for Tertiary Education and Employment

mixed-mode means a course delivered through a combination of distance education and face-to-face teaching (see above)

National Accommodation Scholarship (NAS) has the same meaning as CAS-Specialist. CAS –Specialist and will not be available for new offers from 2010 as specified in paragraph 2.30 and will be “grandfathered” until entitlement is consumed.

National Priority has the meaning given by section 30-20 of the Act
National Priority Discipline as defined in Schedule 1 of these Guidelines

National Priority Scholarship (NPS) has the same meaning as CECS-Priority Discipline and will not be available for new offers from 2010 as specified in paragraph 2.30.1 and will be “grandfathered” until entitlement is consumed

National Priority Student means a Commonwealth supported student undertaking a course of National Priority as defined in section 30-20 of the Act

Relocation scholarship means those accommodation scholarships administered by Centrelink

Scholarship period in respect of a CS, means a six-month period from either 1 January to 30 June or 1 July to 31 December

Start-up scholarship means those education scholarships administered by Centrelink

The Minister means the Minister for Education

The Secretary means the Secretary of the Department

Specialist courses means courses identified by the providers through a competitive bidding process and for which the Department has allocated CAS-Specialist scholarships no change but being “grandfathered”

Suspension in respect of a scholarship, means a period of time during which a scholarship holder is not receiving scholarship payments

Table A provider has the same meaning given by Schedule 1 of the Act

Undergraduate course of study has the same meaning given by Schedule 1 of the Act

1.5.10 Any reference to a part, division or section of the Act is a reference to that part, division or section as in force from time to time.

1.5.15 Terms used in these Guidelines that are in italics have the meaning stated in paragraph 1.5.5 of these Guidelines.
CHAPTER 2 COMMONWEALTH SCHOLARSHIPS

These Guidelines consist of two parts. Part A provides guidance for administrators and recipients of new Indigenous Commonwealth Scholarships from 1 January 2010. Part B provides guidance for administrators and recipients (including Indigenous recipients) on the arrangements to meet the commitment for Commonwealth Scholarships awarded prior to 31 December 2009, until the scholarship is consumed.

2.1 PROGRAM OBJECTIVES – PART A

The objectives of the Commonwealth Scholarships (CS) Program are to facilitate choice in higher education and to increase higher education participation for Indigenous students.

The primary aim of the Indigenous Access Scholarship is to improve higher education access for Indigenous people, particularly those who need to relocate from regional and remote areas, through a one-off payment to take up a higher education undergraduate or eligible enabling course. The Indigenous Access Scholarship is targeted at eligible commencing students.

2.1.1 Description of Scholarships

(1) Commonwealth Scholarships, which are standard scholarships, for the purposes of paragraph 46-10 (aa) of the Act are of two main types:

(a) Indigenous Commonwealth Education Costs Scholarships (Indigenous-CECS) which are generally to assist with education costs; and

(b) Indigenous Commonwealth Accommodation Scholarships (Indigenous-CAS) which are generally to assist with accommodation costs.

(2) The Indigenous-CECS comprise two categories:

(a) Indigenous-CECS with funding for up to eight scholarship periods to assist Indigenous students enrolled in undergraduate courses (not limited to areas of National Priority) or a graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority;

(b) Indigenous Enabling-CECS, with funding for up to two scholarship periods, to assist Indigenous students to undertake an eligible enabling course.

(3) The Indigenous-CAS comprises three categories:

(a) Indigenous-CAS with funding for up to eight scholarship periods to assist Indigenous students with accommodation costs to undertake an undergraduate course (not limited to areas of National Priority) or a graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority;

(b) Indigenous Enabling-CAS, with funding for up to two scholarship periods, to assist Indigenous students with accommodation costs to undertake an eligible enabling course;

(c) Indigenous Access Scholarship (IAS) which is a one-off scholarship payment, to assist Indigenous students to undertake an eligible enabling course, undergraduate course or graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority field.
2.1.2 Class of Commonwealth Scholarship

A CS specified under these Guidelines is an indirectly-paid standard scholarship under paragraph 46-10 (aa) of the Act.

2.5 GRANTS

2.5.1 How Grant Amounts are to be Determined

The maximum amount of CS grant to be paid to a provider under section 46-15 of the Act for a year will equal the sum of the CECS grant amount. Grant amounts are calculated for each CS category specified in paragraph 2.1.1 of these Guidelines as follows:

\[
\text{Grant Amount} = \text{Number of CS in the category allocated to the provider, as determined under paragraphs 2.5.5(1) to, 2.5.5(3) of these Guidelines} \times \text{Value of the CS for each category}
\]

2.5.5 How the Allocation of CS to a Provider will be Determined

Allocation of Indigenous-CECS, Indigenous Enabling-CECS, Indigenous-CAS and Indigenous Enabling-CAS to individual providers in a given year will be determined by the number of IAS allocated to the provider in that year, the cap on each scholarship type and the commitment that the provider must meet based on previous years’ awarding of scholarships.

The Department will undertake a competitive bidding process prior to 31 October of the calendar year for allocation in the following calendar year.

Indigenous Access Scholarship (IAS)

(1) The number of IAS allocated to a provider in a given year will be determined as follows:

(a) IAS will be allocated to eligible providers that offer eligible enabling, undergraduate course or graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority field.

Indigenous-CECS and Indigenous Enabling-CECS

(2) The number of Indigenous-CECS and Indigenous Enabling-CECS allocated to an eligible scholarship provider in a given year will be determined as follows:

(a) Providers will be automatically allocated a number of Indigenous-CECS equal to the amount of previous year(s) Indigenous Enabling-CECS recipients who have indicated they will continue into full-time undergraduate study at the provider in the scholarship year (including those students who undertook their enabling course at a different provider but will enrol in full-time undergraduate study at the provider in question), subject to this information being supplied to DEEWR by the advised deadline.

(b) Additional Indigenous-CECS and Indigenous-Enabling CECS will be allocated to eligible providers following a competitive bidding process administered by DEEWR in accordance with identified selection criteria. The total number of Indigenous-CECS and Indigenous-Enabling CECS allocated to a provider in a given year will equal the number of IAS allocated in that year where possible and in accordance with 2.15.5(3) below.
Indigenous-CAS and Indigenous Enabling-CAS

(3) The number of Indigenous-CAS and Indigenous Enabling-CAS allocated to an eligible provider in a given year will be determined as follows:

(a) Providers will be automatically allocated a number of Indigenous-CAS equal to the amount of previous year(s) Indigenous Enabling-CAS recipients who have indicated they will continue into full-time undergraduate study in the scholarship year at the provider (including those students who undertook their enabling course at a different provider but will enrol in full-time undergraduate study at the provider in question), subject to this information being supplied to DEEWR by the advised deadline.

(b) Additional Indigenous-CAS and Indigenous Enabling-CAS will be allocated to eligible providers following a competitive bidding process administered by DEEWR in accordance with identified selection criteria. The number of Indigenous-CAS must not exceed the number of Indigenous-CECS, and the number of Indigenous Enabling-CAS must not exceed the number of Indigenous Enabling-CECS allocated to a provider in a given year where possible and in accordance with 2.15.5(4) below.

2.5.10 Actions for Unawarded CS

(1) By 30 April in any given year, a provider should assess the status of unawarded CS for that same year and determine a course of action for each category of CS. Wherever possible, the provider should undertake action so as to award the maximum number of CS within that year.

(2) If a provider has insufficient student demand for a particular category of CS initially allocated for that same calendar year, they must consider one of the following courses of action:

(a) conversion across CS type in accordance with paragraph 2.5.10(3)-(6)

(b) return unspent funds to the Department in accordance with paragraphs 2.5.10(8)-(9).

Conversion across CS type

(3) A provider may convert unawarded Indigenous-CECS to Indigenous-CAS or vice versa to better match student demand.

(4) A provider may convert unawarded Indigenous Enabling-CECS to Indigenous Enabling-CAS or vice versa to better match student demand.

(5) Such conversions must be approved in writing by the Department before they can be effected.

(6) Indigenous-CECS cannot be converted into Indigenous-Enabling CECS or vice versa, and Indigenous CAS cannot be converted into Indigenous-Enabling CAS or vice versa.

(7) The provider must seek approval for conversions from the Department by 31 May of the year in which the CS were allocated by the Department.

Rollover and offset of funds against allocation

(8) By 31 October in any given year, any unawarded Indigenous-CECS, Indigenous-CAS, Indigenous Enabling-CECS, Indigenous Enabling-CAS or Indigenous Access Scholarships will be rolled over pursuant to a determination made by the Secretary or a delegate of the Secretary under section 46-35 of the Act. Providers must report to the Department no later than 10 working days prior to 31 October which scholarships they require to be rolled over.
(a) The Department will make the appropriate adjustment in the next year by offsetting the number of unawarded scholarships from the allocations made in accordance with paragraphs 2.5.5(1)-(3) of these Guidelines against the next calendar year’s allocation.

(b) the Secretary may determine other conditions that would apply to the unspent grant amount pursuant to paragraph 46-35(2)(b) of the Act.

Return of unawarded CS funds to the Department

(9) If a provider does not wish to award or convert unawarded scholarships to another CS category with demonstrated unmet student demand the provider must return unawarded CS funds to the Department by 31 May in that calendar year.

(10) The Minister or a delegate of the Minister may reallocate any CS that are returned by providers under paragraph (8) above.

2.10 STUDENT ELIGIBILITY REQUIREMENTS

Under paragraph 46-20(2)(c) of the Act, student eligibility requirements may be specified for indirectly-paid CS.

(1) Concurrent Scholarships

(a) A student can hold an IAS concurrently with another category of CAS in accordance with paragraph 2.5.5(1) above.

(b) A student can hold an IAS concurrently with a Student Start-up scholarship and/or Relocation scholarship.

(c) A student may NOT concurrently hold an Indigenous-CECS and an Indigenous Enabling-CECS.

(d) A student may NOT concurrently hold an Indigenous-CAS and an Indigenous Enabling-CAS.

(e) A student may NOT concurrently hold CS scholarships with different providers even if the CS are of different scholarship types.

(f) A student may NOT concurrently hold an Indigenous-CECS or Indigenous Enabling-CECS and a Student Start-up scholarship.

(g) A student may NOT concurrently hold an Indigenous-CAS or Indigenous Enabling-CAS and a Relocation scholarship.

(2) The maximum duration a student can have access to one or more scholarships described in paragraph 2.1.1 is for a total of eight scholarship periods.

(a) The exception to this provision is where when a student accessing a Indigenous Enabling-CECS or a Indigenous Enabling-CAS scholarship progresses to an undergraduate course. In that case, the student will have access to one or more scholarships described in paragraph 2.5.5 for a total of ten scholarship periods (being two periods of an enabling scholarship and eight periods of another CS type).

(3) A scholarship holder who undertakes a program of study:

(a) overseas, or

(b) with a host provider approved by their provider through a cross institutional arrangement as a Commonwealth supported student,

will not be precluded from continuing to access a CS during this period, so long as the program of study is approved by their scholarship provider, and counts toward the requirements for the course of study in which the student is enrolled. All CS student
eligibility criteria must be maintained by a recipient during this period with the scholarship provider.

2.10.1 Basic Eligibility Requirements

(1) A student is not eligible for an Indigenous-CECS if they have already received an Indigenous-CECS for the maximum duration of eight semester periods.

(2) A student is not eligible for an Indigenous Enabling-CECS if they have already received a CECS-Indigenous Enabling for the maximum duration of two semester periods.

(3) A student is not eligible for an Indigenous-CAS if they have already received an Indigenous-CAS for the maximum duration of eight semester periods.

(4) A student is not eligible for a CAS-Indigenous Enabling if they have already received a CAS-Indigenous Enabling for the maximum duration of two semester periods.

(5) A student is not eligible for an IAS if they have previously received payment, in part or in whole, of an IAS, or part thereof.

(6) During the eight scholarship periods, a student may be in receipt of an Indigenous CECS and an Indigenous CAS scholarship concurrently depending upon eligibility for the type of CS.

Indigenous-CECS and Indigenous-CAS

(7) To be eligible for an Indigenous-CECS or Indigenous-CAS a student must, by the first census date (as determined in accordance with section 169-25 of the Act) of the scholarship period:

(a) be an Australian citizen; and

(b) be an Indigenous person:

A student’s declaration of their Aboriginality or Torres Strait Islander status during the CS application process should normally be accepted as sufficient evidence of their Indigenous status. However, where this status is unclear or uncertainty exists as to the Aboriginality or Torres Strait Islander status of the student, the provider’s Indigenous Education Unit (if the provider has one) should be consulted where possible. Evidence may be required to establish that he or she is an Aboriginal or Torres Strait Islander person. The following documentation is acceptable in confirming a student’s status as an Indigenous person: an affirmation signed by the student, declaring that he/she identifies as an Australian Aboriginal or Torres Strait Islander; and a letter signed by the Chairperson of an Aboriginal and Torres Strait Islander incorporated organisation in a community in which the student lives or has previously lived; and

(c) meet the low socio-economic status requirements specified in paragraph 2.10.5 of these Guidelines; and

(d) be enrolled in or undertaking a course of study (for the purposes of cross-institutional studies) with an eligible scholarship provider as a Commonwealth supported student in an undergraduate course not limited to areas of National Priority) or a graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority; and

(e) meet the full-time student requirements specified in paragraph 2.10.10 of these Guidelines; and

(f) not already have completed the requirements of a course of study (with any provider) regarded by the scholarship provider to be equivalent to or higher than an Australian bachelor's award, unless each such award is a prerequisite to their current...
undergraduate course of study (Note: CS are intended primarily for students undertaking an initial qualification); and

(g) meet other eligibility requirements as specified in paragraphs 2.10.10 of these Guidelines; and

(h) in the case of the Indigenous-CAS, meet the additional eligibility requirements as specified in paragraph 2.10.15 of these Guidelines.

Indigenous Enabling-CECS and Indigenous Enabling-CAS

(8) To be eligible for an Indigenous Enabling-CECS or Indigenous Enabling-CAS, a student must:

(a) meet the eligibility requirements stated at 7(a) to (h) above; and

(b) be enrolled in or undertaking an eligible enabling course with a provider as a Commonwealth supported student, as defined in the Act; and

(c) undertake the course on a full-time or part-time basis, noting that:

(i) a student who is in receipt of an Indigenous Enabling-CECS scholarship while studying part-time, and who wishes to progress to another form of CS, must meet the full-time eligibility requirements as outlined in paragraph 2.10.10 of these Guidelines for the new CS; and

(ii) a student who undertakes an enabling course on a part-time basis will not be eligible to receive an IAS or a Indigenous Enabling-CAS while enrolled in an enabling course; and

(d) in the case of Indigenous Enabling-CAS meet the additional CAS eligibility requirements as specified in paragraph 2.10.15 of these Guidelines.

IAS

(9) To be eligible for an IAS a student must:

(a) meet the eligibility requirements stated at 7(a) to (g) above; and

(b) be a commencing student who has:

(i) accepted the offer of a place; or

(ii) been enrolled; or

(iii) is undertaking a course;

in an undergraduate course or graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority field as a Commonwealth supported student; and

(c) in exceptional circumstances, if a continuing student is required as part of their course to undertake study in a location distant from their previous place of study, providers may give consideration to these students when awarding an IAS.

2.10.5 Low Socio-Economic Status Requirements

(1) A student is not eligible for an Indigenous CS unless the provider is satisfied that the student is able to demonstrate low socio-economic status either:

(a) through being in receipt of a means-tested Commonwealth income support payment (such as Austudy, ABSTUDY, Youth Allowance, etc); or

(b) on the basis of an assessment conducted by or on behalf of the eligible scholarship provider.
Where a student is unable to demonstrate eligibility under (1) (a) above, the provider must give the student the option of undergoing an assessment of low socio-economic status to determine eligibility.

(2) In assessing low socio-economic status to determine eligibility for Indigenous-CECS, Indigenous-CAS, Indigenous Enabling-CECS, Indigenous Enabling-CAS and IAS, providers should consider the range of disadvantages which may affect the immediate financial status of Indigenous students accessing higher education. Such factors may include geographical isolation, stability of financial status, as well as family circumstances, such as illness or bereavement, which may affect the level of family financial support. In making this assessment, providers should consult with the provider’s Indigenous Education Unit where one exists.

2.10.10 Full-time Student Requirements

(1) Generally, a student undertaking or intending to undertake less than a full-time student load is not eligible for a CS unless there are exceptional circumstances which prevent the student from studying full-time.

(a) The exception to this requirement is for Indigenous students undertaking or intending to undertake an eligible enabling course - refer paragraph (4) below.

(2) The decision that a person cannot study full-time due to exceptional circumstances is to be made by the provider. A provider may take into account factors such as disability, significant family care responsibilities, Indigenous community responsibilities, and course constraints outside a student’s control, in determining a student’s inability to undertake a full-time student load.

(3) A student whose course load falls below a full-time student load must have their CS eligibility status reviewed, in accordance with the ongoing eligibility requirements under paragraph 2.25 of these Guidelines, and will be ineligible to retain their CS unless the provider determines that there are exceptional circumstances which prevent the student from continuing to study on a full-time basis.

(4) Indigenous students who enrol in an eligible enabling course are eligible to receive an Indigenous Enabling-CECS if they undertake the course on a part-time basis. However, to be eligible for another category of CS upon completion of the enabling course, the students must enrol in the further course of study as a full-time student. Such students are not automatically entitled to the relevant CS on enrolment in full-time course of study as full-time Indigenous Enabling-CECS recipients would be, but are subject to a competitive process as are other eligible commencing students.

2.10.15 Additional Eligibility Requirements for Indigenous-CAS and Indigenous Enabling-CAS

(1) In determining a student’s eligibility for an Indigenous-CAS or a Indigenous Enabling-CAS, the provider must determine whether the student has lived in a regional or remote area consistent with paragraph 2.10.15(2)(a) below.

Providers should be guided by the ASGC Remoteness Areas classification as described in the Australian Institute of Health and Welfare 2004 publication, 'Rural, Regional and Remote Health: A Guide to Remoteness Classifications'. The classifications are:

Major Cities of Australia (MC),
Inner Regional Australia (IR),
Outer Regional Australia (OR),
Remote Australia (R), and
Very Remote Australia (VR).
A provider must deem a student ineligible if they have come from a locality belonging to the MC classification. The remaining classifications may assist in assessing students’ applications for CAS.

(2) In addition to the eligibility requirements defined in paragraph 2.10 of these Guidelines, the provider must be satisfied that:

(a) within the four years immediately preceding the commencement of the current course of study (including study within another program or at another provider, where the student has transferred):

(i) the student has lived in a regional or remote area of Australia for a total of at least three years; or

(ii) the student completed the final two years of schooling in a high school or college in a regional or remote area; or

(iii) it was necessary for the student to live away from their regional or remote home to complete the whole or the majority of their secondary schooling at a high school or college in a major city; or

(iv) the student has lived in a regional or remote area of Australia for a total of at least two years, and the student has relocated from the regional or remote area of Australia to undertake vocational education and training (eg TAFE) for a maximum of two years duration immediately preceding the commencement of their undergraduate course; and

(b) it was necessary for the student to move from the regional or remote area in order to undertake a higher education course of study; and

(c) as a result of paragraph (b), the student will incur additional accommodation costs; and

(d) the student is enrolled as an internal student in units of study that form part of the course of study the student is undertaking unless the student can demonstrate the need to move, in accordance with paragraph 2.10.15(2)(b).

(3) For the purpose of determining under paragraph 2.10.15(2)(b) the necessity for the student to move, a student should normally be enrolled as an internal student to be deemed eligible for CAS unless the student can demonstrate that there are exceptional circumstances preventing them from doing so, including, but not limited to the following:

(a) the need for the student to attend classes or access other study related facilities on the campus at which the student is enrolled with the eligible scholarship provider or a host provider approved by the eligible scholarship provider through a cross-institutional arrangement;

(b) the distance between the student’s home and the relevant campus;

(c) the availability and quality of transport infrastructure between the student’s home and the relevant campus; and

(d) limitations on the student’s mobility due to disability and/or carer responsibilities.

2.15 APPLICATION, SELECTION AND OFFER PROCESSES AND POLICIES

Eligible scholarship providers are responsible, in conjunction with their Indigenous Education Units, for the CS application, selection and offer processes and must make information about the processes, policies and conditions of scholarship readily and publicly available.
2.15.1 Applications

(1) Applications for CS must be submitted in the form approved by the relevant provider and by the date determined by the provider. A provider should include on their application form advice to the student that they are to advise Centrelink that they have applied for a Commonwealth Scholarship.

(2) Providers must include the following statement in the application form, immediately prior to the applicant’s signature block: “Giving false or misleading information is a serious offence under the Criminal Code Act 1995 (Commonwealth)”.

(3) A provider’s CS application form may contain information advising students that they may incur a debt to the Commonwealth if they make a claim, and receive payments, for a scholarship to which they are not entitled.

2.15.5 Selection Policy

(1) A provider must maintain a CS selection policy which accords with these Guidelines and the fairness requirements in subdivision 19-D of Part 2-1 of the Act. Each provider must select students for a CS in accordance with its selection policy.

(2) A provider’s selection policy must specify that a student is not to be selected for a CS unless the provider is satisfied that the student meets or, by the first census date (as determined in accordance with section 169-25 of the Act) or course start date (for Indigenous enabling students), of the scholarship periods and before any CS payment is made, will meet, the eligibility criteria as set out in paragraph 2.10 of these Guidelines.

Scholarship Interactions

(3) A provider must provide those students who are awarded an IAS with either an Indigenous-CECS or Indigenous Enabling-CECS (as determined by the student’s program of study) unless the student is in receipt of a Student Start-up Scholarship. If an Indigenous-CECS or Indigenous Enabling-CECS is unavailable the student should be referred to Centrelink for assessment for a Student Start Up Scholarship.

(4) Where eligible, and subject to availability, a provider will provide those students who are awarded an IAS with either an Indigenous-CAS or Indigenous Enabling-CAS (as determined by the student’s program of study) unless the student is in receipt of a Relocation Scholarship. If an Indigenous-CAS or Indigenous Enabling-CAS is unavailable the student should be referred to Centrelink for assessment for a Relocation Scholarship.

(5) Before making an offer of an IAS to an eligible applicant, a provider should ascertain if the applicant has been judged eligible for a Start-up Scholarship. Detailed information on the benefits of the IAS and Start-up Scholarship should be available to assist the student make an informed choice as to which scholarships are of the most beneficial according to the students particular circumstances.

(6) If a student is assessed to be eligible for an available Indigenous-CAS or Indigenous Enabling-CAS, the provider must ensure that the student is not in receipt of a Relocation Scholarship, and make information available on the benefits of the Indigenous-CAS or Indigenous Enabling-CAS and the Relocation Scholarship to the student to assist the student to make an informed choice as to which scholarship is of the most benefit according to the students particular circumstances, before awarding the student the Indigenous-CAS or Indigenous Enabling-CAS.

(7) A student cannot be in receipt of an Indigenous-CAS without also being in receipt of either an Indigenous-CECS or Student Start-up Scholarship.

(8) A student cannot be in receipt of an Indigenous Enabling-CAS without also being in receipt of either an Indigenous Enabling-CECS or Student Start-up Scholarship.
(9) If a provider offers a student an Indigenous Enabling-CECS without a IAS, then the provider must also award that student an Indigenous-CECS or, if eligible, an Indigenous-CAS relevant to the student’s level of study, if the student has successfully completed the enabling course and progresses as a full-time student to an undergraduate course offered by the provider.

(10) If a provider offers a student an Indigenous Enabling-CECS then the provider must also award that student an Indigenous-CECS if the student has successfully completed the enabling course and progresses as a full-time student to an undergraduate course offered by the provider. Note: this entitlement is not automatic if the student undertook the enabling course on a part-time basis.

(11) If a provider offers a student an Indigenous Enabling-CAS then the provider must also award that student an Indigenous-CAS if the student has successfully completed the enabling course and progresses as a full-time student to an undergraduate course offered by the provider.

(12) If a student receives an Indigenous Enabling-CECS and, if eligible, an Indigenous Enabling-CAS, but, after successful completion of the enabling course, chooses to progress as a full-time student to an undergraduate course of study offered by another provider, that provider must give the student priority when allocating its Indigenous-CECS and Indigenous-CAS.

(13) Where a student is made an offer of a Commonwealth Scholarship, and/or a Relocation Scholarship and/or a Student Start-Up Scholarship, the student is to advise the relevant provider of their choice in writing.

(14) A student who is made an offer of a Governor General's Indigenous Student Teacher Scholarship and is receiving an Indigenous CECS or Indigenous CAS, the student is to advise the relevant provider of their choice in writing.

Priority for the offer of Indigenous Access Scholarships (IAS)

(15) In determining the allocation of the IAS to eligible students under paragraph 2.10.1 above, the provider must consult with the provider’s Indigenous Education Unit, where possible.

(16) In determining the allocation of IAS to eligible students under paragraph 2.10.1, the provider should give priority in its allocation to students who have to relocate from a regional or remote area to attend their course of study, and who meet the additional CAS eligibility requirements as outlined in paragraph 2.10.15 of these Guidelines.

(17) If a provider has a number of IAS remaining after awarding to students under paragraph 2.10.15 above, the provider may offer those IAS to other eligible students who do not meet the additional CAS requirements under paragraph 2.10.15. However, a student awarded an IAS who does not meet the additional CAS requirements under paragraph 2.10.15 is only eligible to receive the Indigenous-CECS (or Indigenous Enabling-CECS) and not the Indigenous-CAS (or Indigenous Enabling-CAS) in addition to the IAS.

2.15.10 Offer Process

(1) Where there are sufficient eligible applicants, a provider must, in any given year, offer the number of CS it is allocated in accordance with paragraph 2.5.5 of these Guidelines.

(2) Prior to finalising an offer of a CS, the provider must ensure compliance with the Scholarship Interactions at paragraph 2.15.5 (3)-(17).

(3) When making an offer of a CS, the provider must notify the applicant in writing and advise the applicant of the assistance to which they are entitled and the conditions of the CS as specified at paragraph 2.25 of these Guidelines. A provider should include on
their offer letter advice to the student that they are to advise Centrelink that they have been offered a Commonwealth Scholarship.

(4) Where there are sufficient eligible applicants, a provider must make the offer of a CS to eligible applicants within 10 working days of offering such applicants a Commonwealth-supported place. Such offers must be made on the condition that the student is eligible to receive payment of a CS on the student’s first census date for the scholarship period.

(5) A provider must notify the Department, as directed by the Department, of the personal information referred to in paragraph 2.15.15, in relation to:

(a) the IAS recipients it understands to be in receipt of Student Start-up scholarships;

(b) Indigenous-CECS and Indigenous Enabling-CECS recipients who are hence ineligible for Student Start-up scholarships; and

(c) Indigenous-CAS and Indigenous Enabling-CAS recipients who are hence ineligible for Relocation scholarships.

by 22 January for the first semester and, for second semester offers by 15 June, of the calendar year.

(6) Where a number of CS offers are not accepted by students, providers may make second and subsequent round offers to students who were deemed eligible through the provider’s assessment process.

(7) Providers may offer mid year scholarships where such scholarships can be supported through their CS allocation. If this involves a student being required to repay part of an existing Relocation scholarship, the provider must ensure both the student and Centrelink are aware of this before finalising the offer.

(8) Providers must ensure that students, at the time of accepting an offer of a CS:

(a) accept the conditions of the CS; and

(b) agree to provide personal information to the provider upon request in order to assess the student’s ongoing eligibility for a CS and facilitate the issuing of a letter and commemorative certificate to commencing scholarship holders in a form approved by the Minister and issued by DEEWR.

2.15.15 Collection of personal information

(1) DEEWR is bound by the Privacy Act 1988. Providers must ensure that they and any other person acting for and on their behalf comply with the Information Privacy Principles (IPPs) under section 14 of the Privacy Act 1988 when handling students’ personal information. Providers and any other person acting for and on behalf of providers must ensure when collecting personal information from students that students are notified (consistent with IPP 2) that their personal information will be used for the purposes of administering the CS program and that their personal information will be disclosed to DEEWR for the Department’s purposes of administering the CS program, and disclosed by DEEWR to Centrelink to be used for Centrelink’s purposes of administering the Relocation scholarships and Student Start-up scholarships. Personal information to be collected by providers includes:

(a) the student’s name;

(b) date of birth;

(c) address; and

(d) scholarship type.
(2) Subject to paragraph (4) below, providers must provide to the Department the personal information specified in subparagraph (1) above, no later than 15 working days after the commencing scholarship holder’s first census date.

(3) For commencing scholarship holders in receipt of an Indigenous Enabling-CECS or Indigenous Enabling-CAS, the personal information must be provided within 15 working days after the commencing scholarship holder’s first census date.

(4) In relation to IAS recipients, providers or persons acting for and on behalf of providers must provide to the Department the personal information specified in paragraph (1) above to DEEWR no later than 15 working days after the student has accepted the scholarship.

(5) Personal information pertaining to continuing scholarship holders must be submitted to the Department no later than required in the standard reporting requirements provided by HEIMS.

(6) The provider must seek approval for conversions from the Department by 31 May of the year in which the CS were allocated by the Department.

2.20 PAYMENTS TO STUDENTS

(1) A provider must pay the value of a CS to a student who is awarded a CS in accordance with these Guidelines.

(2) A provider must spend Indigenous-CECS grant amounts only on the making of Indigenous CECS payments to students awarded an Indigenous-CECS who are undertaking an eligible course of study.

(3) A provider must spend Indigenous-CAS grant amounts only on Indigenous-CAS payments to students awarded an Indigenous-CAS who are undertaking an eligible course of study.

(4) A provider must spend IAS grant amounts only on IAS payments to students awarded an IAS who are undertaking an eligible enabling course of study or undergraduate course of study, undergraduate course or graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority field with the provider.

(5) Where a student is undertaking an approved cross-institutional course of study, the home provider and not the host provider is responsible for the awarding and payment of the CS.

(6) CS grants may only be used for CS payments.

(7) Students must state if they have consumed any entitlement of a CS with the provider, or any other provider upon enrolment. Prior to payment of an IAS, the student must sign a declaration stating that they have not accepted the offer of an IAS at any other provider.

(8) Prior to payment of an Indigenous-CECS or Indigenous Enabling-CECS, the student must sign a declaration stating that they have not accepted a Student Start-up scholarship or that they have notified Centrelink that they wish to rescind that acceptance, and where applicable, repay any funds that may have been paid to them under that scholarship.

(9) Prior to payment of an Indigenous-CAS or Indigenous Enabling-CAS, the student must sign a declaration stating either that they have not accepted a Relocation scholarship, or that they have notified Centrelink that they wish to rescind that acceptance, and where applicable, return the relevant funds.
(10) For the IAS, the provider must ensure that a student that has been offered a scholarship meets the eligibility criteria referred to in paragraph 2.10.1 of these Guidelines at the time the student accepts the scholarship offer in order for the student to receive the first payment of this scholarship.

(11) For the IAS, students that receive the first payment of this scholarship, but for legitimate and genuine reasons, do not meet the eligibility requirements at the student's first census date, may not be required to repay the first scholarship payment. It is the responsibility of the provider to determine if a student's reasons are legitimate and genuine.

2.20.1 Value of Scholarships and Indexation Arrangements

(1) The scholarship values will be indexed annually in accordance with Part 5-6 of the Act.

(2) The Australian Government will advise the value of the next year's scholarships by 1 August each year.

2.20.5 Payment Arrangements

(1) An eligible scholarship provider will make payments directly to eligible students who have accepted the scholarship.

(2) The payments will be made as follows:

(a) for Indigenous-CECS and Indigenous-CAS offered to students before the census date, payment totalling 50% of the annual value of the CS will be made in each six-month period as soon as practicable after the student's first census date or within six weeks after the student's first census date, for study being undertaken in that scholarship period. The census date must be determined in accordance with section 169-25 of the Act.

(b) for Indigenous-CECS and Indigenous-CAS offered to students on or after the census date, payment totalling 50% of the annual value of the CS will be made within six weeks of the student accepting the CS. Thereafter, one payment totalling 50% of the annual value of the CS, will be made in each six-month period as soon as practicable after the student's first census date or within six weeks after the student's first census date for study being undertaken in that scholarship period.

(c) for Indigenous Enabling-CECS and Indigenous Enabling-CAS, payment totalling 50% of the value of the scholarship will be made as soon as practicable after the student's first course start date, or within six weeks after the student's first course start date. The remaining 50% payment will be made in the six-month period following the student's first course start date provided the student meets all of the relevant eligibility criteria in paragraph 2.10 of these Guidelines at the time of payment. For enabling courses that are six-months or less in duration, the student will only receive 50% of the value of the scholarship. The provider may award the remaining 50% of the scholarship to another eligible student undertaking a six-month enabling course, keeping in mind that in so doing the provider will be committing two Indigenous-CECS (and where relevant Indigenous-CAS) from one Indigenous Enabling-CAS (subject to eligibility conditions listed at paragraph 2.10 of these Guidelines) and should be confident of its ability to meet this commitment.

(d) for IAS payment totalling 50% of the value of the scholarship will be made as soon as practicable after the student has accepted the offer of the scholarship. The provider will pay the remaining amount as soon as practicable after the student's first census date, or within six weeks after the student's first census date, provided the student maintains enrolment and meets the other eligibility criteria at the student's first census date.
2.25 CONDITIONS OF SCHOLARSHIP

2.25.1 Ongoing Eligibility Requirements

(1) Each provider is responsible for monitoring the ongoing eligibility of its students to ensure that each student continues to meet the eligibility requirements for a CS as set out in paragraph 2.10 and, where applicable, any further selection criteria specified by the eligible scholarship provider under paragraph 2.15.5(2) of these Guidelines. A provider must confirm a student’s eligibility for a CS prior to making a CS payment.

2.25.5 Suspension of a CS

(1) An eligible scholarship provider may approve requests for periods of suspension of a CS in accordance with the eligible scholarship provider’s own policies.

(2) For student’s progressing from an Indigenous Enabling-CECS or Indigenous Enabling-CAS to an Indigenous-CECS or Indigenous-CAS, the maximum suspension a provider can allow between courses is one year.

2.25.10 Termination of a CS

(1) An eligible scholarship provider must terminate a CS:

(a) if the student ceases to meet the eligibility criteria specified in paragraph 2.10 or 2.25.1 or, where applicable, any criteria specified by the eligible scholarship provider under paragraph 2.15.5(2) of these Guidelines, other than during a period of approved suspension; or

(b) once the maximum scholarship entitlement period has been reached; or

(c) if the eligible scholarship provider determines that the student:

(i) has failed to maintain satisfactory academic progress and there are no extenuating circumstances for such failure; or

(ii) has, after investigation by the provider, committed serious misconduct during a course of study whilst doing a course at an eligible scholarship provider including, but not limited to, the provision of false or misleading information within paragraph 2.25.15 of these Guidelines.

Providers are encouraged to consult with their Indigenous Education Units in such cases where possible.

(2) An eligible scholarship provider may not terminate a student’s CS for any other reason.

2.25.15 Provision of False or Misleading Information

(1) If an eligible scholarship provider or a person acting for and on behalf of an eligible scholarship provider or the Department knows or has reason to believe that a student in receipt of a CS has provided false or misleading information to the provider or a person acting for and on behalf of the provider in relation to the CS, the provider or a person acting for and on behalf of the provider must immediately:

(a) re-assess the student’s entitlement to the CS; and

(b) notify DEEWR of the suspected offence and provide to DEEWR the student’s application and where possible, the original copies of any other relevant information requested by DEEWR.

(2) In such circumstances the provider or the person acting for and on behalf of the provider should not communicate with or alert the student to the investigation of the possible
offence. Contact will be made in due course by a member of staff of the Department's Investigations Branch.

2.30 PROGRAM OBJECTIVES – PART B
The objectives of Part B of these Guidelines is to provide guidance for administrators and recipients (including Indigenous recipients) on the arrangements to meet the commitment for Commonwealth Scholarships awarded prior to 31 December 2009, until the scholarship is consumed. Providers will be responsible for the continued administration of continuing CS students until the entitlement is consumed.

As from 1 January 2010, providers will not be able to award new CS to non-Indigenous students.

2.30.1 Description of Scholarships
(1) Commonwealth Scholarships, which are standard scholarships, for the purposes of paragraph 46-10 (aa) of the Act are of two main types:
   (a) CECS, which are generally to assist with education costs; and
   (b) CAS, which are generally to assist with accommodation costs.
(2) CECS comprise three categories:
   (a) CECS–Ordinary, with funding for up to eight scholarship periods from time of awarding to assist students enrolled in undergraduate courses (not limited to areas of National Priority) or a graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority;
   (b) CECS–Priority Discipline, with funding for up to eight scholarship periods from time of awarding, to assist students enrolled in National Priority disciplines as defined in Schedule 1 in these Guidelines. This is commonly referred to as National Priority Scholarships (NPS);
   (c) CECS–Associate Degree, with funding for up to four scholarship periods, from time of awarding to assist with general education costs for Associate Degrees; and
(3) CAS comprises three categories:
   (a) CAS–Ordinary, with funding for up to eight scholarship periods;
   (b) CAS–Specialist, with funding for up to eight scholarship periods, to assist students who have to relocate to undertake a specialist course not available near their home. This scholarship category is commonly referred to as National Accommodation Scholarships (NAS);
   (c) CAS–Associate Degree, with funding for up to four scholarship periods, to assist with general accommodation costs for an Associate Degree;

2.30.5 Class of Commonwealth Scholarship
A CS specified under these Guidelines is an indirectly-paid standard scholarship under paragraph 46-10 (aa) of the Act.

2.40 GRANTS
2.40.1 How Part B Grant Amounts are to be Determined
The maximum amount of CS grant to be paid to a provider under section 46-15 of the Act for a year will equal the sum of the CECS grant amount and the CAS grant amount. Grant amounts
are calculated for each CS category specified in paragraph 2.30.1 of these Guidelines as follows:

\[
\text{Grant Amount} = \text{Number of CS in the category allocated to the provider, as determined under paragraphs 2.40.5(1) - 2.40.5(6) of these Guidelines} \times \text{Value of the CS for each category}
\]

2.40.5 How the Allocation of CS to a Provider will be Determined

**CECS–Ordinary**

(1) The number of CECS–Ordinary allocated to an eligible provider will be the number of continuing students maintaining eligibility and entitlement reported by the provider by 15 October of each calendar year.

**CECS–Priority Discipline (National Priority Scholarship)**

(2) The number of CECS–Priority Discipline allocated to an eligible provider will be the number of continuing students maintaining eligibility and entitlement reported by the provider by 15 October of each calendar year.

**CECS–Associate Degrees**

(3) The number of CECS–Associate Degrees allocated to an eligible provider will be the number of continuing students maintaining eligibility and entitlement reported by the provider by 15 October of each calendar year.

**CAS–Ordinary**

(4) The number of CAS–Ordinary allocated to an eligible provider will be the number of continuing students maintaining eligibility and entitlement reported by the provider by 15 October of each calendar year.

**CAS–Specialist (National Accommodation Scholarships)**

(5) The number of CAS–Specialist allocated to a provider will be determined by the number of continuing students maintaining eligibility and entitlement reported by the provider by 15 October of each calendar year.

**CAS Associate Degrees**

(6) The number of CAS–Associate Degrees allocated to a provider will be the number of continuing students maintaining eligibility and entitlement reported by the provider by 15 October of each calendar year.

**Notification of Continuing Student Numbers**

(7) Providers are required to electronically notify the Department of items 2.40.5 (1) – 2.40.5 (6) via the scholarships@deewr.gov.au inbox.

**Conversion within CS type**

(8) There are no provisions for conversion of CS within type.

**Conversion across CS type**

(9) There are no provisions for conversion of CS across CS type.
Return of CS funds to the Department

(10) (a) A provider may in writing to the Secretary request roll-overs of any or all of its unspent scholarships funds from 2009, and from any previous year, into the 2010 calendar year under section 46-35 of the Act. If a provider does not by 31 March 2010, or as soon as practicable thereafter, request the roll-overs, or if the Secretary does not accede to a request for any particular roll-over, then the provider must return all of the unspent scholarships funds that are not rolled-over to the Department by 31 December 2010.

If the Secretary accedes to a request for a roll-over, then:

(i) without limiting the Secretary’s power to determine conditions under paragraph 46-35(2)(b) of the Act, the provider must use the rolled-over funds only to make CS payments in 2010; and

(ii) the provider’s 2010 allocation will be reduced by the amount of funds rolled over.

(10) (b) A provider must notify the Department in writing of the unused amount of the unspent scholarship funds by 15 October 2010, and for each subsequent calendar year.

(10) (c) A provider must return any unspent CS to the Department by 31 December of each calendar year.

2.50 STUDENT ELIGIBILITY REQUIREMENTS

Under paragraph 46-20(2)(c) of the Act, student eligibility requirements may be specified for indirectly-paid CS.

(1) Concurrent Scholarships

(a) a student may hold only one type of scholarship from each of the respective CECS and CAS categories, at any one time from any one provider. For example, a student can hold a CECS-Ordinary and a CAS-Specialist concurrently but they cannot, however, be in receipt of a CECS-Ordinary and CECS-Priority Discipline;

(b) a student may NOT concurrently hold scholarships with different providers even if the CS are of different scholarship types; and

(c) a student may NOT concurrently hold a Student Start up scholarship with any CECS or a Relocation Scholarship with a CAS.

(2) The maximum duration a student can have access to one or more scholarships described in paragraph 2.30.1 is for a total of eight scholarship periods. A student is entitled to a total of four scholarships periods if undertaking a CECS-Associate Degree.

(3) A scholarship holder who undertakes a program of study:

(a) overseas; or

(b) with a host provider approved by their provider through a cross institutional arrangement as a Commonwealth supported student, will not be precluded from continuing to access a CS during this period, so long as the program of study is approved by their scholarship provider, and counts toward the requirements for the course of study in which the student is enrolled. All CS student eligibility criteria must be maintained by a recipient during this period with the scholarship provider.
2.50.1 Basic Eligibility Requirements

CECS–Ordinary and CAS–Ordinary

(1) To continue to be eligible for a CECS-Ordinary or CAS-Ordinary a student must, by the first census date (as determined in accordance with section 169-25 of the Act) of the scholarship period:

(a) be an Australian citizen or the holder of a permanent humanitarian visa; and
(b) be enrolled in or undertaking a course of study (for the purposes of cross-institutional studies) with an eligible scholarship provider as a Commonwealth supported student in an undergraduate course not limited to areas of National Priority or a graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority; and
(c) meet the low socio-economic status requirements specified in paragraph 2.50.5 of these Guidelines; and
(d) meet the full-time student requirements specified in paragraph 2.50.10 of these Guidelines; and
(e) meet other eligibility requirements as specified in paragraph 2.50.1(1) or (5) above; and
(f) not already be in receipt of a CS from any other provider.

(2) Transitional arrangements for students currently in receipt of CECS-Ordinary or CAS-Ordinary while enrolled in a course of study in National Priority areas (as described in section 30-20 of the Act) are that if:

(a) a person is in receipt of a CECS–Ordinary or a CAS–Ordinary, awarded prior to 1 January 2009 for a post-graduate course of study in which the student is enrolled; and
(b) the person remains eligible for the CECS–Ordinary or CAS–Ordinary; and
(c) the person has not exhausted the maximum duration of their CS (as defined in paragraph 2.30.1 of these Guidelines); and
(d) the person has neither:
   (i) discontinued his or her enrolment in the course since that commencement (except on receipt of an official leave of absence from the scholarship provider); nor
   (ii) completed the requirements of the course for which the CECS–Ordinary or CAS–Ordinary was awarded;

then the person is taken for the purposes of these Guidelines to remain eligible for the CECS-Ordinary or CAS-Ordinary until the CS is terminated.

CECS-Priority Discipline

(3) A National Priority Discipline is one of the priority disciplines as covered by the broad degrees related to the Fields of Education outlined in Schedule 1 of these Guidelines. To maintain qualification for a CECS-Priority Discipline, students must undertake either:

(a) a National Priority Discipline course of study in one of the broad degrees related to the Fields of Education (under Schedule 1); or
(b) a major (in a National Priority Discipline area) within the student’s degree structure as part of the student’s chosen course of study.
(4) To be eligible for a **CECS-Priority Discipline** a student must, by the first census date (as determined in accordance with section 169-25 of the Act) of the **scholarship period**:

(a) be an Australian citizen or the holder of a permanent humanitarian visa; and

(b) be enrolled in or undertaking a **course of study** with an eligible scholarship **provider** as a **Commonwealth supported student**, as defined in the Act in:

(i) an undergraduate **course of study**; or

(ii) a post-graduate **course of study** required for initial registration for the purposes of practicing in the relevant profession as per Schedule 3 of Determination of Education Institutions and Courses under Subsections 3(1) and 5D(1) of the **Student Assistance Act 1973**;

Providers seeking to award a **CECS-Priority Discipline** scholarship to students undertaking courses outside of these disciplines must seek prior approval from the **Department**; and

(c) meet the low socio-economic status requirements specified in paragraph 2.50.5 of these Guidelines; and

(d) meet the full-time student requirements specified in paragraph 2.50.10 of these Guidelines; and

(e) not already have completed the requirements of a **course of study** (with any **provider**) regarded by the scholarship **provider** to be equivalent to or higher than an Australian bachelor’s award:

(i) unless the award is a prerequisite to their current undergraduate or post-graduate **course of study**; or

(ii) was not in a priority discipline area as identified in **Schedule 1**; and

(f) meet other eligibility requirements as specified in paragraph 2.50.1(2) above; and

(g) not already be in receipt of the same **CS**, from any **provider**.

(5) Any student who is in receipt of a **CECS-Priority Discipline** who has met the ongoing **CAS** eligibility criteria as per paragraph 2.50.5 and 2.50.10 below must continue to be eligible to receive a **CAS-Ordinary** in addition to a **CECS-Priority Discipline**.

**CECS Associate-Degree and CAS-Associate Degree**

(6) To continue to be eligible for a **CECS-Associate Degree** or **CAS-Associate Degree**, a student must:

(a) meet the basic eligibility requirements of 2.50.1; and

(b) be enrolled in a **Associate Degree** course; and

(c) 2010 will be the final year of allocation of funding for **CECS-Associate Degree** and **CAS-Associate Degree** scholarships.

**CAS-Specialist**

(7) *A specialist course* (for purposes of **CAS-Specialist scholarships**), are those courses identified by **providers** through a competitive bidding process, and for which the **Department** has allocated **CAS-Specialist** scholarships.

(8) To be eligible for a **CAS-Specialist** scholarship a student must, by the first census date (as determined in accordance with section 169-25 of the Act) of the **scholarship period**:

(a) be an Australian citizen or the holder of a permanent humanitarian visa; and
(b) be enrolled as an internal student in a specialist course and undertaking such a course with an eligible scholarship provider as a Commonwealth supported student in:

(i) an undergraduate course of study; or

(ii) a post-graduate course of study required for initial registration for the purposes of practicing in the relevant profession as per Schedule 3 to Determination of Education Institutions and Courses under subsections 3(1) and 5D(1) of the Student Assistance Act 1973.

(c) meet the low socio-economic status requirements specified in paragraph 2.50.5 of these Guidelines; and

(d) meet the full-time student requirements specified in paragraph 2.50.10 of these Guidelines; and

(e) relocate a distance greater than 100kms from their home to take up the study in the specialist course and incur additional accommodation costs.

2.50.5 Low Socio-Economic Status Requirements

(1) A student is not eligible for a CS unless the provider is satisfied that the student is able to demonstrate continued low socio-economic status either:

(a) through being in receipt of a means-tested Commonwealth income support payment (such as Austudy, ABSTUDY, Youth Allowance, etc); or

(b) on the basis of a comprehensive assessment conducted by or on behalf of the eligible scholarship provider.

Where a student is unable to demonstrate eligibility under (1) (a) above, the provider must give the student the option of undergoing a comprehensive assessment of low socio-economic status to determine ongoing eligibility.

2.50.10 Full-time Student Requirements

(1) A student whose course load falls below a full-time student load must have their CS eligibility status reviewed, in accordance with the ongoing eligibility requirements under paragraph 2.80.1 of these Guidelines, and will be ineligible to retain their CS unless the provider determines that there are exceptional circumstances which prevent the student from continuing to study on a full-time basis.

(2) A CAS may continued to be paid for the need for the student to attend classes or access other study related facilities on the campus at which the student is enrolled with the eligible scholarship provider or a host provider approved by the eligible scholarship provider through a cross-institutional arrangement.

2.60 GRANDFATHERING ARRANGEMENT AND STUDENT INFORMATION

Eligible scholarship providers are responsible for the ongoing reporting and payment of eligible continuing CS to recipients where that CS was awarded prior to 1 January 2010 until the entitlement is consumed and must make information about the processes, policies and conditions of scholarship readily and publicly available.

2.60.1 Provider’s liability

(1) The provider is responsible for managing and funding any liabilities above their allocation when that liability is created by the provider awarding a CS beyond it’s allocated CS.
2.60.5 Student information

(1) DEEWR is bound by the Privacy Act 1988. Providers must ensure that they and any other person acting for and on their behalf comply with the Information Privacy Principles under section 14 of the Privacy Act 1988 when handling students’ personal information.

(2) Personal information pertaining to continuing scholarship holders must be submitted to the DEEWR no later than required in the standard reporting requirements provided by HEIMS.

2.70 PAYMENTS TO STUDENTS

(1) A provider must pay the value of a CS to a student who has been awarded a CS in accordance with these Guidelines.

(2) A provider must spend CECS grant amounts only on the making of CECS payments to students in receipt of a CECS who are undertaking an eligible course of study.

(3) A provider must spend CAS grant amounts only on CAS payments to students who have been awarded a CAS who are undertaking an eligible course of study.

(4) Where a student is undertaking an approved cross-institutional course of study, the home provider and not the host provider is responsible for the continued payment of the CS.

(5) CS grants may only be used for CS payments.

2.70.1 Value of Scholarships and Indexation Arrangements

(1) The scholarship values will be indexed annually in accordance with Part 5-6 of the Act.

(2) The Australian Government will advise the value of a scholarship by 1 August each year.

2.70.5 Payment Arrangements

(1) An eligible scholarship provider will make payments directly to eligible students who are in receipt of the scholarship.

(2) The payments will be made as follows:

(a) for CECS–Ordinary, CECS–Priority Discipline, CAS–Ordinary, CAS–Specialist and CECS–Associate Degree offered to students before census date, payment totalling 50% of the annual value of the CS will be made in each six-month period as soon as practicable after the student’s first census date or within six weeks after the student’s first census date, as determined in accordance with section 169-25 of the Act, for study being undertaken in that scholarship period.

(b) for CECS–Ordinary, CAS–Ordinary, CECS–Priority Discipline, CAS–Specialist and CAS–Associate Degrees offered to students on or after census date, payment totalling 50% of the annual value of the CS will be made within six weeks of the student accepting the CS. Thereafter, one payment totalling 50% of the annual value of the CS, will be made in each six-month period as soon as practicable after the student’s first census date or within six weeks after the student’s first census date, as determined in accordance with section 169-25 of the Act, for study being undertaken in that scholarship period.

2.80 CONDITIONS OF SCHOLARSHIP

2.80.1 Ongoing Eligibility Requirements

(1) Each provider is responsible for monitoring the ongoing eligibility of its students to ensure that each student continues to meet the eligibility requirements for a CS as set
out in paragraph 2.50 of these Guidelines. A provider must confirm a student’s eligibility for a CS prior to making a CS payment.

2.80.5 Suspension of a CS

(1) An eligible scholarship provider may approve requests for periods of suspension of a CS in accordance with the eligible scholarship provider’s own policies.

(2) For student’s progressing from a CECS–Indigenous Enabling or CAS–Indigenous Enabling to another form of CECS or CAS, the maximum suspension a provider can allow between courses is one year.

2.80.15 Maximum Duration of a CS

(1) An eligible student can be in receipt of a CS for up to eight scholarship periods only;

(a) the exception to this provision is for a student accessing a CECS–Indigenous Enabling or a CAS–Indigenous Enabling scholarship who progresses to an undergraduate course. In this case the student will have access to one or more scholarships described in paragraph 2.1.1 for a total of ten scholarship periods (being two periods of an enabling scholarship and eight periods of another CS type).

(2) During the eight scholarship periods, a student may be in receipt of a CECS and a CAS scholarship concurrently or separately, depending on the provider’s internal CS application and selection policy.

(3) The maximum duration of each CS is as follows:

(a) a CECS–Ordinary, CECS–Priority Discipline, CAS–Ordinary and CAS–Specialist is eight scholarship periods;

(b) a CECS-Associate Degree or a CAS-Associate Degree is four scholarship periods;

(4) A student should not be in receipt of a CS from more than one provider at any one time.

2.80.20 Termination of a CS

(1) An eligible scholarship provider must terminate a CS:

(a) if the student ceases to meet the eligibility criteria specified in paragraph 2.50 or 2.80 of these Guidelines, other than during a period of approved suspension; or

(b) once the maximum scholarship entitlement period has been reached; or

(c) if the eligible scholarship provider determines that the student:

(i) has failed to maintain satisfactory academic progress and there are no extenuating circumstances for such failure; or

(ii) has, after investigation by the provider, committed serious misconduct during a course of study whilst doing a course at an eligible scholarship provider including, but not limited to, the provision of false or misleading information within paragraph 2.80.20 of these Guidelines.

(2) An eligible scholarship provider may not terminate a student’s CS for any other reason.

2.80.25 Provision of False or Misleading Information

(1) If an eligible scholarship provider or a person acting for and on behalf of an eligible scholarship provider or the Department knows or has reason to believe that a student in receipt of a CS has provided false or misleading information to the provider or a person acting for and on behalf of the provider in relation to the CS, the provider or a person acting for and on behalf of the provider must immediately:
(a) re-assess the student’s entitlement to the CS; and

(b) notify DEEWR of the suspected offence and provide to DEEWR the student’s application and where possible, the original copies of any other relevant information requested by DEEWR.

(2) In such circumstances the provider or the person acting for and on behalf of the provider should not communicate with or alert the student to the investigation of the possible offence. Contact will be made in due course by a member of staff of the Department’s Investigations Branch.

**Schedule 1**

The following Fields of Education will be accepted for the purposes of CECS–Priority Discipline scholarships:

- Natural & Physical Science (01 - broad field)
- Information Technology (02 - broad field)
- Engineering & Related Technologies (03 - broad field)
- Architecture & Building (04 – broad field)
- Medical Studies (0601)
- Nursing (0603)
- Pharmacy (0605)
- Dental Studies (0607)
- Education (07 - broad field)
- Optical Science (0609)
- Indigenous Health (061305)
- Radiography (0615)
- Physiotherapy (061701)
- Occupational Therapy (061703)
- Chiropractic & Osteopathy (061705)
- Speech Pathology (061707)
- Audiology (061709)
- Podiatry (061713)
- Nutrition & Dietetics (069901)
- Paramedical Studies (069905)
- Accounting (0801)
CHAPTER 3  INDIGENOUS STAFF SCHOLARSHIPS

3.1 PROGRAM OBJECTIVES

(1) The objective of the Indigenous Staff Scholarship (ISS) Program is to develop Indigenous leadership in the higher education sector through the provision of opportunities for professional development, with priority given to:

(a) people undertaking postgraduate awards, and
(b) people who have not previously been in receipt of an ISS.

3.1.1 Description of Scholarship

(1) ISS are awarded nationally under the Program to enable Indigenous staff (academic or general) of a provider to take leave from their employment to undertake 12 months full-time higher education study in their chosen academic or professional area. The ISS are directed towards Indigenous staff who have actively encouraged Indigenous students to participate in higher education and complete their studies.

(2) Five ISS will be awarded each year.

3.1.5 Class of Commonwealth Scholarship

An ISS specified under these Guidelines is an indirectly-paid standard scholarship under subsection 46-10 (aa) of the Act.

3.5 GRANTS

3.5.1 Total Grant Amounts and Indexation

The total grant amounts allocated for ISS for 2010 will be up to $181,000. This amount will be indexed in subsequent years in accordance with Part 5-6 of the Act.

3.5.5 How Grant Amounts are to be Determined

The amount of grants to providers in 2010 for the ISS will be equal to the value of the stipend ($24,200) plus up to $12,000 for payment of the student’s tuition fees and/or student contribution amounts for each ISS student who is studying with the provider.

3.10 STUDENT ELIGIBILITY REQUIREMENTS

3.10.1 Basic Eligibility Requirements

(1) To be eligible for an ISS, the applicant must:

(a) be an Indigenous person; and
(b) be employed by a provider; and
(c) be enrolled in a full-time course of study leading to a higher education award with an eligible scholarship provider upon commencement of the ISS; and
(d) have a Letter of Support from their employing provider. The Letter of Support must include an undertaking by the employing provider that it will hold the applicant’s position of employment for 12 months while the applicant undertakes full-time study.
The undertaking must include holding the applicant’s position open where the applicant has:
(i) changed their course of study; or
(ii) transferred their enrolment to another eligible scholarship provider since accepting the ISS where this change or transfer has been approved by DEEWR in accordance with paragraphs 3.25.25 and 3.25.30 of these Guidelines.

(2) A person will be considered to be an Indigenous person for the purposes of ISS, where the person:
(a) is of Australian Aboriginal or Torres Strait Islander descent; and
(b) identifies as an Australian Aboriginal or Torres Strait Islander; and
(c) is accepted as an Australian Aboriginal or Torres Strait Islander in the community in which he/she lives or has lived.

(3) The following documentation is acceptable as evidence of being Indigenous:
(a) an affirmation signed by the applicant, declaring that they identify as an Australian Aboriginal or Torres Strait Islander; and
(b) confirmation in writing with the corporate seal from the chairperson of the Aboriginal or Torres Strait Islander incorporated organisation in a community in which the applicant lives or has previously lived.

3.15 APPLICATION, SELECTION AND OFFER PROCESSES AND POLICIES

3.15.1 Application Process
(1) Applications for ISS must be made to DEEWR according to the published application form. Application forms are available at http://www.dest.gov.au/sectors/indigenous_education/programs_funding/program_categories/support_for_education_providers_staff/indigenous_staff_scholarships.htm.

(2) The Indigenous Higher Education Advisory Council (IHEAC) will advise the Minister on the applicants the IHEAC determines are most suitable.

3.15.5 Selection Policy
(1) ISS will be awarded by the Minister who may accept advice from the IHEAC and who may take into account any other relevant matter.

(2) The primary considerations in assessment of applications by IHEAC will be:
(a) the extent to which applicants have actively encouraged Indigenous students to participate in higher education and complete their course; and
(b) the extent to which applicants have demonstrated leadership with regard to Indigenous issues within the higher education sector.

(3) Additional criteria for assessment of applications for the ISS may be published in these Guidelines from time to time.
3.15.10 Offer Process

(1) A Letter of Offer will be forwarded to successful applicants. The conditions in accepting the ISS are outlined in paragraph 3.25 of these Guidelines. In accepting an ISS, the applicant is agreeing to abide by the conditions of the ISS. A Letter of Acceptance must be received by the successful applicant before the ISS can commence (refer to paragraph 3.25.10(2)).

(2) An ISS offer is made on the condition that the successful applicant enrols in a full-time course of study leading to a higher education award with a provider. The Letter of Acceptance from the successful applicant must include evidence of being enrolled full-time.

3.20 CONDITION OF GRANTS TO PROVIDERS

3.20.1 Payments to Providers

(1) The Commonwealth will grant amounts for ISS to the provider, in accordance with approved payment arrangements made under the Act.

(2) Grant amounts must only be used for the purpose of making ISS payments to students and for the payment of student’s tuition fees and/or student contribution amounts, otherwise funds will be recovered under the Act.

3.20.5 Payment of Stipend to Students

The stipend for 2009 of $23,200 (indexed annually) for each ISS must be paid in advance to students, each fortnight in 26 equal payments.

3.20.10 Payment of tuition fees and/or student contribution amounts

The provider will be paid $12,000 in 2010 (indexed annually) for each ISS it administers. This amount is made available for payment of tuition fees and/or student contribution amounts. Each scholarship holder is entitled to up to $12,000 and any unspent funds will be recovered from the provider under the Act.

3.20.15 Recovery of Funds on Termination or Transfer of ISS

Where an ISS has been terminated, or DEEWR has approved a transfer under paragraph 3.25.30 of these Guidelines, any overpayments or unspent grant amounts will be recovered from the provider at which the student is transferring under section 164-15 of the Act.

3.20.20 Provider Reporting and Notice Requirements

(1) General Final Report

A grant to the provider to pay an ISS is made on the condition that the provider submits a report to DEEWR one month after the completion of the tenure of the ISS. The report must:

(a) comment on the Program and advise whether the provider considers the Program is achieving its objectives (as specified in paragraph 3.1) and, if not, where in the provider’s opinion improvements may be made; and

(b) include a statement from the student’s supervisor, or a relevant academic authority employed by the provider, outlining the studies undertaken and including a copy of the academic record for the period.
(2) General Notice Requirements

The provider must give notification in writing to DEEWR immediately:

(a) if, in the provider’s opinion, the student is not carrying out the conditions of the ISS in accordance with the conditions set out in these Guidelines; or

(b) if the student has suspended the ISS, in accordance with paragraph 3.25.15 of these Guidelines; or

(c) if the student no longer meets the eligibility requirements under paragraph 3.10.1 of these Guidelines.

(3) Audited Financial Statement

Providers are required to submit a Financial Statement to DEEWR within three months of completion of the ISS. The Financial Statement must cover the period of payments showing final expenditure against total funds provided, and a declaration made by the provider stating that all funds were expended for the purposes for which they were granted.

The Financial Statement must be signed by the Chief Executive Officer or Chief Internal Auditor of the provider.

3.25 CONDITIONS OF SCHOLARSHIP

A grant to a provider is made on the condition that ISS payments are made to students in accordance with the following Conditions of Scholarship.

3.25.1 Value of the ISS

(1) Students will be paid a stipend of $24,200 in 2010 (indexed annually).

(2) Providers will receive up to $12,000 in 2010 (indexed annually) to cover tuition fees and/or student contribution amounts for the course of study in which the student is enrolled.

3.25.5 Duration of the ISS

The ISS are for a period of 12 months from the course start date of the course of study.

3.25.10 Commencement of the ISS

(1) The ISS must begin the year following the acceptance of the ISS and the student must be enrolled in a full-time course of study with a provider in that year.

(2) The ISS and payment to the provider cannot commence until DEEWR receives the signed Letter of Acceptance.

3.25.15 Suspension of the ISS

(1) After commencement of the ISS, a student may seek to suspend the remainder of the ISS by applying in writing to DEEWR.

(2) Unless otherwise specified in writing to the student by DEEWR, the maximum period of a suspension will be six months.

3.25.20 Withdrawal from Course

If a student withdraws from or completes the course of study in which they are enrolled, they must immediately advise DEEWR in writing.
3.25.25 Change of Course of study

A student may change to another course of study with the provider during the tenure of the ISS with the approval of DEEWR. Students must apply in writing to DEEWR for approval.

3.25.30 Transfer of a Scholarship

(1) DEEWR may approve transfer to another provider of an ISS during the tenure of the ISS.

(2) Any request to transfer an ISS requires the written support of both the student’s current and proposed providers. Transfer is subject to the student being offered a higher degree place with the new provider.

(3) Once DEEWR approves a transfer, written advice will be provided to the student, the original provider and the new provider, indicating the commencement date of the approved transfer. Grant amounts provided for the purposes of ISS which are unspent by the original provider will be transferred to the new provider.

3.25.35 Eligibility for Concurrent Scholarships or Awards

A student may receive a concurrent award or scholarship separate to the ISS to assist in their course of study where the concurrent award or scholarship is not for the purposes of tuition fees.

3.25.40 Work

There is no limit on the income a student may receive from work. However, the provider must be satisfied that a student’s work does not interfere with their studies.

3.25.45 Leave

Students shall be entitled to leave from study in accordance with the usual practices of the provider.

3.25.50 Student Reporting Requirements

(1) A month after completion of the first six month period of study, the student must provide a Statement of Progress to DEEWR from the student’s supervisor or a relevant academic authority employed by the provider.

(2) A month after completion of the ISS, the student must provide a final report to DEEWR including a copy of their academic transcript.

3.25.55 Termination

(1) The Minister may terminate an ISS if:

   (a) the student fails to comply with any condition of the ISS as identified in these Guidelines; or

   (b) the provider determines that the student has failed to maintain satisfactory academic progress.