CONSULTATION DRAFT ONLY

Commonwealth of Australia

Higher Education Support Act 2003

OTHER GRANTS GUIDELINES (EDUCATION) 2008

Amendments to Guidelines made under section 238-10 of the Higher Education Support Act 2003

I, Julia Gillard, Minister for Education, pursuant to section 238-10 of the Higher Education Support Act 2003 (the Act), make the attached amendment to the Other Grants Guidelines (Education) 2008 dated 11 November 2008 (see F2008L04362), which was registered on the Federal Register of Legislative Instruments on 26 November 2008 and commenced on 27 November 2008, and which provide for matters under Part 2-3 of the Act.

Dated this xx day of April 2010

Julia Gillard

JULIA GILLARD
Minister for Education
COMMONWEALTH OF AUSTRALIA

Higher Education Support Act 2003

Other Grants Guidelines (Education) 2008 (DEEWR)

Amendment No. 4

(i) CITATION

This legislative instrument may be cited as Amendment No. 4 to the Other Grants Guidelines (Education) 2008 (DEEWR).

(ii) AUTHORITY

This legislative instrument is made under section 238-10 of the Higher Education Support Act 2003.

(iii) DATE OF EFFECT

This legislative instrument will come into effect on the day after it is registered on the Federal Register of Legislative Instruments.

(iv) AMENDMENT

This legislative instrument amends the Other Grants Guidelines (Education) 2008 (DEEWR) dated 11 November 2008 (see F2008L04362) which was registered on the Federal Register of Legislative Instruments on 26 November 2008 and commenced on 27 November 2008.

PURPOSE

The purpose of this legislative instrument is to add Chapter x of the Other Grants Guidelines (Education) 2008 (DEEWR) to provide guidelines for the Structural Adjustment Fund.

The Other Grants Guidelines (Education) 2008 (DEEWR) are amended as follows:

ITEM 1 —new Chapter x
After Chapter y, insert:

CHAPTER x  GRANTS TO SUPPORT STRUCTURAL ADJUSTMENT

STRUCTURAL ADJUSTMENT FUND PROGRAM

x.1  Purpose
x.1.1 The purpose of this chapter is to specify the Structural Adjustment Fund as a program for the purposes of the other grants guidelines in accordance with subsection 41-15(1) of the Act under which grants to support structural adjustment may be paid in accordance with item 9B of the Table in subsection 41-10(1) of the Act. The program will operate in accordance with administrative guidelines announced by the Minister. See below.

x.2 Program objectives and outcomes

x.2.1 The objective of the Structural Adjustment Fund program is to improve the financial sustainability and teaching and learning quality of universities to ensure strong higher education outcomes across the country, particularly in regional Australia and outer metropolitan areas.

Grants made under the program will do this by assisting eligible higher education providers, as specified in item 9B of the table in section 41-10(1) of the Act, to make significant structural adjustments to prepare for the move to a student-demand driven system with new quality measures in place.

x.2.2 Funded projects will contribute significantly to achievement of all the following outcomes, particularly in regional and outer metropolitan areas:

(i) Improved financial sustainability: institutions having the size, market alignment and agility necessary to be sustainable in a student demand driven funding environment; and

(ii) Improved quality of teaching and learning provision: high quality higher education provision regardless of student location and the mode of delivery of courses.

x.2.3 For the purposes of the Structural Adjustment Fund, structural adjustment will mean:

(i) consolidation of higher education institutions or campuses; and/or

(ii) significant collaboration with institutes of TAFE and/or other universities; and/or

(iii) significant changes in the focus, organisation or operation of institutions or campuses;

directed at achievement of the outcomes specified above.

x.3 Allocation of grants

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1 The Structural Adjustment Fund comprises funding through the Act and capital infrastructure funding through the Education Investment Fund (EIF). The legislative basis for the operation of the EIF is the Nation-building Funds Act 2008, the Nation-building Funds (Consequential Amendments) Act 2008 and the Nation-building Funds Amendment Act 2009 (the EIF legislation). Decisions regarding EIF funding for the purpose of structural adjustment will be made in accordance with the EIF legislation.
x.3.1 The Minister will invite eligible higher education providers to submit applications for a funding round that will be conducted on a competitive basis.

x.3.2 All applications received in a competitive funding round will be assessed by the Department against published assessment criteria. The Department will make recommendations for funding to the Minister.

x.3.3 In the event that the competitive funding round does not result in commitment of the entirety of the funds available for that round, the Minister may direct the Department to enter into negotiations with selected eligible higher education providers with a view to developing applications which are in accordance with these guidelines and published assessment criteria.

x.3.4 An amount of funds not exceeding $20,000,000 in total may be allocated outside the process specified in paragraphs x.3.2 and x.3.3 for structural adjustment projects which the Minister considers are priorities for particular higher education providers. Grants made in this manner will contribute to the outcomes specified in paragraph x.2.2.

x.3.5 Grants will be approved by the Minister in accordance with section 41-20 of the Act. Before approving a grant, the Minister will give consideration to the recommendations of the Department.