



Australian Government

Department of Industry, Innovation, Science, Research and Tertiary Education

*Indigenous Education
(Targeted Assistance) Act 2000*
PROGRAM GUIDELINES
2013

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PART 1: INTRODUCTION

The Department of Industry, Innovation, Science, Research and Tertiary Education (the Department) *Indigenous Education (Targeted Assistance) Act 2000* Program Guidelines 2009-2013 ('the Guidelines') outline the Indigenous Education and Training Program (IETP) elements managed by the Department for clients and providers. These Guidelines set out IETP objectives, administrative requirements and funding arrangements.

Clients and providers

The Guidelines are for the use of the following clients and providers:

- Indigenous students;
- Parents of Indigenous students and Indigenous community members;
- Education Providers (VET and higher education institutions); and
- Indigenous community, government and business groups who are interested in being involved in initiatives to improve educational opportunities for Indigenous people.

The Guidelines:

- describe the IETP elements managed by the Department;
- explain how to apply for assistance or funding under those program elements;
- outline providers' responsibilities when accessing or receiving assistance and/or funding under the IETP;
- provide further explanation of Funding Agreements and their requirements; and
- describe the changes to program elements for the 2009-2013 quadrennium.

Other funding to assist Indigenous students

The Department of Education, Employment and Workplace Relations (DEEWR) manages several Indigenous specific education programs under other IETA Act appropriations and Acts of Parliament across the Early Childhood Education and Schooling sectors.

Indigenous students may also generate entitlements which are paid to eligible providers under mainstream programs.

2009–2013 funding quadrennium

In 2013, the Australian Government is providing more than \$40 million in funding for IETPs managed by the Department.

Indigenous Education and Training Program offices

The Department administers all IETP elements outlined in these Guidelines through its National Office in Canberra.

Australian Government Priorities 2009–2013 (National Aboriginal and Torres Strait Islander Education Policy)

The National Aboriginal and Torres Strait Islander Education Policy (NATSIEP) is Australia's national policy on Indigenous education. The policy features 21 national goals for Indigenous education and training which were endorsed by all Australian governments when the policy was launched in 1989. The NATSIEP's overarching objective is to bring about equity in education and training outcomes for Indigenous Australians.

The 21 long-term goals of the NATSIEP are listed at:

<http://www.deewr.gov.au/Indigenous/Schooling/PolicyGuidelines/Pages/aep.aspx>

Priorities for 2009–2013

The Australian Government, State and Territory governments have agreed to work with communities to close the gaps in Indigenous disadvantage.

State and Territory governments along with non-government education and training providers operate schools, registered training organisations (RTOs) and fund higher education institutions which employ teachers and educators and develop curriculum and standards for the delivery of education and training.

For its part, the Australian Government provides a significant supplementary funding contribution to state and territory education and training providers to assist them fulfil their responsibilities. In addition, the Australian Government operates a number of programs and initiatives that promote good practice nationally, enhance access and facilitate partnerships in order to improve outcomes for Indigenous Australians.

COAG targets

From 1 January 2009, new arrangements have been introduced for education and training programs that offer greater flexibility over the use of funding and reduced administrative burdens for education and training providers matched by improved transparency. The Australian Government's priority is for education and training providers to focus on putting in place the measures that will result in the achievement of agreed outcomes and targets. National targets agreed by the Prime Minister, State Premiers and Chief Ministers (through the Council of Australian Governments) include:

- ensure all Indigenous four years olds in remote communities have access to early childhood education within five years (2013);
- halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade (2018);
- halve the gap for Indigenous students in year 12 attainment or equivalent attainment rates by 2020; and
- halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

IETA Program Elements for 2009-2013

The guidelines contained in this section support the programs currently offered by the Department. For 2009-2013, they include:

- Away from Base for 'mixed-mode' delivery (AFB);
- Indigenous Tutorial Assistance Scheme – Tertiary Tuition (ITAS-TT);
- Supplementary Recurrent Assistance (SRA-VET) for non-government VET; and
- Indigenous Tutorial Assistance Scheme for Vocational Education and Training (ITAS-VET).

Funding for government vocational education and training providers

In the past, guidelines have also supported supplementary funding for Indigenous students attending government vocational education and training providers.

Following the reform of Federal Financial Relations, funding for government vocational education and training providers has now been rolled into base funding under the National Agreement on Skills and Workforce Development and priorities for this funding are now determined by State and Territory governments.

PART 2: GENERAL CONDITIONS

Introduction

While each Program element maintains its own range of specific rules and conditions, a number of general conditions apply to all Program elements. Part 2 of these Guidelines details the general conditions. Part 3 of these Guidelines details the Program-specific conditions.

The conditions detailed in Part 2 will apply to all Programs detailed in Part 3 unless specifically advised otherwise in those chapters.

Indigenous Education (Targeted Assistance) Act 2000 (IETA Act)

The IETA Act provides the legislative framework for the Indigenous Education and Training Program (IETP) elements described in these Guidelines.

Funding agreements

Providers seeking funding under the IETA Act must negotiate a Funding Agreement with the Commonwealth under section 10 or section 11 of the IETA Act. Funding Agreements can take a number of forms depending on the complexity of the agreement between the Commonwealth and the Education Provider.

The term “Funding Agreement” can include an agreement that allows for only one schedule for one program element funded under the IETA Act or it may include a number of schedules for a number of different program elements.

Sections 10 and 11 of the IETA Act provide the authority for the Funding Agreements.

‘Section 10’ Agreements

Under Section 10 of the IETA Act, the Minister may make an agreement with an Education Provider to advance the objects of the IETA Act, which authorises payments for:

- recurrent expenditure – section 10(1)(a);
- ABSTUDY approved courses (Away from Base for ‘mixed-mode’ delivery) – section 10(1)(b); and
- specific projects – section 10(1) (c).

The accountability requirements set out at Accountability for ‘Section 10’ Agreements in this section of these Guidelines apply to all ‘Section 10’ Funding Agreements, reflecting the requirements of Division 2 of the IETA Act.

‘Section 11’ Agreements

Under Section 11 of the IETA Act, the Minister may make an agreement with a person or body (including an Education Provider) to provide payments for specific projects to advance the objects of the IETA Act. In making the agreement, the Minister can impose accountability requirements that will be included in most Section 11 agreements.

Accountability for 'Section 10' Agreements

The IETA Act requires that all 'Section 10' agreements with Education Providers contain certain conditions. These conditions include:

- Commitment to advance the objects of the IETA Act, which are:
 - equitable and appropriate educational outcomes for Indigenous people;
 - equal access to education by Indigenous people;
 - equity of participation by Indigenous people in education;
 - increasing involvement of Indigenous people in educational decisions; and
 - developing culturally appropriate education services for Indigenous people.
- Commitment to achieve performance targets set out in the Funding Agreement;
- Certifying that payments were duly spent or committed to be spent in the funding year for the purposes set out in the Funding Agreement;
- Reporting on the use of funds to advance the objects of the IETA Act for the funding year and how resources will be used to advance the objects of the IETA Act in the following year;
- Reporting on performance, including indicators and performance targets set out in the Funding Agreement. Providers may also be required to report on educational outcomes data against different geographical regions. The Minister may intervene in cases of under-performance, including giving directions to an Education Provider where the Minister thinks the provider is not making its best endeavours to achieve its performance targets; and
- Participation in evaluation and data validation exercises and in evaluation of projects as specified in the Funding Agreement.

Note: Funding Agreements specify the relevant performance indicators and performance targets, and may contain commitments, funding adjustment, recovery and accountability provisions over and above those stipulated in the IETA Act.

Conditions for the Funding Agreements

Funding Agreements set out the general terms and conditions with which a provider must comply to receive funding under the IETA Act.

Where there is more than one schedule to an agreement, each schedule sets out the details of the funding available under a particular IETP element and the relevant conditions for that element.

Forming a Funding Agreement

Funding Agreements are based on information from providers and/or other clients and stakeholders. For some IETP elements, funding is based on census data and an applicable funding formula. For project-type IETP elements, the scope of the project will need to be negotiated and clearly set out in the Funding Agreement.

Where the provider has already signed a Funding Agreement, this may be varied by adding a new schedule to the Funding Agreement which covers a new IETP element.

Funding Agreements must be between the Commonwealth and another legal entity. For example, Funding Agreements for government departments or agencies may be between the Commonwealth and the relevant State as represented by its relevant minister or agency head (or some other legal entity designated by the State) as appropriate. However, for reasons of practicality a Funding Agreement will also establish that the legal entity (e.g. the State) allows the Department to deal directly with the funded entity, for example, in its day-to-day administration for carrying out the project.

Accepting a Funding Agreement

When a Funding Agreement (or variation to an existing funding agreement) has been drafted, providers are issued with two originals of the funding agreement or variation. Providers must then sign these originals, initialling all pages on both documents, and return them to the Department.

The Funding Agreement will only be made after both signed originals have been returned to the Department and counter-signed by a person authorised to sign on behalf of the Commonwealth. One copy of the Funding Agreement will then be returned to the provider.

Payments

Funding payable must be specified in the Funding Agreement or be worked out in accordance with the Funding Agreement. Unless otherwise provided in the Funding Agreement, a first payment will usually be made within 28 days of commencement of the Funding Agreement.

GST obligations

Where GST is payable on the transaction between the Department and the funding recipient, the Department will increase the total funding for providers to cover the GST amount. The amount will be shown separately in the Funding Agreement and on any Recipient Created Tax Invoice (RCTI) which the Department issues to the provider. Where the Funding Agreement provides for RCTI's, providers must not issue tax invoices to the Department. Where an adjustment is made to a payment and corresponding GST, the Department will issue a Recipient Created Tax Adjustment Notice to providers.

Providers are responsible for meeting their obligations under the *A New Tax System (Goods and Services Tax) Act 1999*.

New Funding Agreements

Where a provider had a Section 10 Agreement in the previous year, the new Funding Agreement will normally commence from 1 January of the relevant funding year. This may also apply in a limited number of cases to Section 11 agreements.

As a result of the new funding arrangements for 2009-2013, Funding Agreements for Supplementary Recurrent Assistance and a number of other program elements will not be offered from 1 January 2009 to government VET providers.

Funding for the non-government VET SRA and ITAS for VET program elements have been extended to 31 December 2013. The Australian Government will be consulting about better aligning these arrangements with the broader skills and workforce development agenda.

Funding Agreements with eligible providers who have not had a Funding Agreement in the year immediately preceding the year to which the new Funding Agreement relates, and who are applying for recurrent funding or funding calculated according to a formula based on a one-year funding period, will have Funding Agreements that normally commence:

- for applications received by 30 September - from the date of receipt by the Department of a complete and correct application for funding, with the funding to be paid on a pro rata basis from that date; and
- for applications received after 30 September - from 1 January of the next funding year.

If, in the opinion of the Commonwealth, there is unreasonable delay on the part of the provider in executing a new or replacement Funding Agreement/schedule, the term of the Funding Agreement may commence from the date of execution of the new Funding Agreement/schedule by the Commonwealth, or execution by the provider, whichever is the later. In these cases, funding may be paid on a pro rata basis.

Funding Agreements for projects will normally commence from the date of execution of the agreement by the Commonwealth, or execution by the provider, whichever is the later.

Non-fulfilment of conditions

The Department may, at any time and in writing, terminate the Funding Agreement in whole or in part, but without prejudice to the rights, liabilities or obligations of either party accruing prior to the date of termination.

If a provider breaches any term or condition of their Funding Agreement, the Minister may issue a notice requiring repayment of an amount specified in the notice. If this amount is not repaid, the Minister may make a determination to reduce future funds payable to the provider under the Funding Agreement by an amount specified in the determination (but not exceeding the amount owed by the provider). The Commonwealth can recover as a debt due any outstanding recoverable amount without further proof of the debt being necessary.

In addition to the above, Funding Agreements will usually establish that, if a provider breaches any term or condition of the Funding Agreement, the Commonwealth can withhold or suspend making a payment under the Funding Agreement or any other Funding Agreement with the provider made under the IETA Act whilst the provider is in breach of its obligations under the Funding Agreement.

Further information on termination and other terms and conditions of funding are contained in the Funding Agreement.

Employing staff

When funding is used for, or results in the employment of staff, Funding Agreements will usually require that the provider ensures that the selection criteria for those positions include, as the first two criteria:

- a demonstrated knowledge and understanding of Indigenous societies, and cultures and an understanding of the issues affecting Indigenous people in contemporary Australian society and the diversity of circumstances of Indigenous people; and
- a demonstrated ability to communicate sensitively and effectively, including the requirement for proper negotiation and consultation with Indigenous people on matters relevant to the delivery of education services to Indigenous people.

Providers are also usually required by their Funding Agreement to use their best endeavours to ensure tenders for work funded under Funding Agreements provide employment and/or training opportunities to Indigenous people. Most Funding Agreements will set out that providers must require tenderers to demonstrate how they will provide such opportunities for Indigenous people.

Assets

Assets may not be purchased with Commonwealth funding unless specified in the Funding Agreement. Requests for exemptions must be made in writing to the contact officer identified in the Funding Agreement, and will be granted only in exceptional and extenuating circumstances.

Where a Funding Agreement states that assets may be purchased, or where permission is granted to purchase assets, the assets become the property of the provider so long as the asset(s) continue to be used for the purpose for which they were funded. Where an asset ceases to be used for the purposes for which the funding was granted, the Commonwealth may direct the transfer of the asset to another provider.

The provider is responsible for insuring assets and maintaining them in good order.

Funding must not be used to purchase motor vehicles but may be used to meet running costs, including lease costs, where the vehicle is directly associated with delivery of the program. Where vehicles are used for the delivery of a program or activity, only those costs directly attributable to the program or activity may be claimed as expenditure against the funding provided for the program or activity.

Assets register

Providers must maintain an assets register for all assets purchased substantially, i.e. more than 50% of the purchase cost, with Indigenous Education Project funding. Details from the assets register must be reported with the annual financial acquittal. The register must record:

- date of purchase;
- full description of asset and identification (e.g. serial numbers);
- location of the asset;
- purchase price of the asset;
- co-ownership information;
- depreciation value;

- the proportion of Australian Government funds used to purchase the asset; and
- relevant details of any subsequent disposal including date and method of disposal, sum received, sale particulars including purchaser and Departmental approval where the Department's equity in the asset is concerned.

Accounts and records

Providers must keep full and accurate financial records relating to the use of the funding to enable:

- all income and expenditure related to the funding to be identified in a provider's bank account;
- the preparation of financial statements in accordance with Australian Accounting Standards; and
- auditing in accordance with Australian Auditing Standards and generally accepted audit practices.

The accounts and records relating to each Education Provider must be identifiably separate from the accounts and records of the other institutions or undertakings (e.g. business enterprises) conducted by the provider.

The provider must keep full and accurate records for all performance data to enable their participation in exercises to confirm the validity and accuracy of performance data.

Access to premises and records

It is a requirement in nearly all Funding Agreements that providers must at all reasonable times and subject to prior notice, give the Auditor-General, the Privacy Commissioner, a member of the Fraud and Investigations Branch of the Department on production of photo identification, or any person authorised in writing by the Secretary of the Department:

- reasonable access to:
 - employees;
 - premises occupied by the provider;
 - material; and
- reasonable assistance to:
 - to locate and inspect material; and
 - make copies of material and remove those copies.

If a matter is being investigated which, in the opinion of a member of the Department's Fraud and Investigations Branch or any person authorised in writing by the Secretary, may involve an actual or apprehended breach of the law, the requirement for prior notice will not apply.

Any requirement for specified access does not in any way reduce a provider's responsibility to perform their obligations under the Funding Agreement.

Insurance

Insurance requirements are outlined in all Funding Agreements. Generally, if the provider is a State, they are responsible for maintaining insurances (including where appropriate, by self-insuring) appropriate to the activities that they undertake using the funding.

If the provider is not a State, Funding Agreements will usually set out that they must maintain:

- workers' compensation insurance for an amount required by the relevant State legislation; and
- public liability insurance for an amount not less than \$10 million per claim.

The Funding Agreement will also set out any other insurance that is required, for example, professional indemnity insurance.

Funding Agreements will generally set out that providers must present satisfactory evidence of insurance cover within 10 business days of a request by the Department.

Role of parents and caregivers

Parents or caregivers are responsible for undertaking certain responsibilities on behalf of students who are minors. These responsibilities are described in the detailed Guidelines for each IETP element.

A caregiver is not necessarily a legal guardian, but may be a family member or any other person who has primary day-to-day responsibility for a child.

Students who are 16 years or older, or who are considered an adult because of traditional Indigenous initiation, are responsible for undertaking required tasks on their own behalf.

Minister (or relevant delegate) is the final decision maker

Notwithstanding any other provision of these Guidelines, the Minister (or delegate) acting in accordance with the powers given to her/him under the IETA Act has the final decision about whether funding is paid for any program funded under the IETA Act.

Performance indicators

Performance Indicators are an important tool by which the Department, the provider and the public can measure the effectiveness of a project or program.

Generally when an organisation enters into an agreement with the Department under the IETA Act, it will be required to negotiate performance indicators with baseline data and targets. Performance indicators with baseline data enable an assessment to be made of the educational improvements that can be attributed to a program element or project. Targets provide a means of setting clear performance expectations and encouraging an organisation to challenge itself beyond what might normally be achieved.

It is in the interests of both the Department and the provider to set appropriate performance indicators. At the project level, the Department needs to be able to assess contractual compliance of an individual provider. At the program level, the Department needs to be able to determine the effectiveness of a program element in contributing to the

priorities of Government. The provider on the other hand needs to be able to demonstrate the effectiveness of their strategies to their stakeholders including students, parents or community members, the Department or other funding partners. Providers also need to understand explicitly the key objective(s) of the program or project.

The effectiveness of the IETP elements will be judged by how well they contribute to the COAG targets and the Overcoming Indigenous Disadvantage (OID) headline indicators related to education (See Headline Indicators: Overcoming Indigenous Disadvantage: Key Indicators 2007). Program indicators will therefore align with the COAG priorities and OID headline indicators.

Project performance indicators negotiated with Education Providers and Indigenous organisations will be constructed in such a way that there is a clear “line of sight” between project performance indicators and indicators used at the higher levels.

Project Performance Indicators

Project Performance Indicators will focus on three questions:

- How much was done?
- How well was it done? and
- Were expected achievements attained?

The Department is committed to minimising the administrative burden on Education Providers and Indigenous organisations in reporting outcomes and other data.

MCEECDYA geolocation

The funding of some IETP elements is based on the MCEECDYA geographic location category of the students or project sites. MCEECDYA geolocation is not to be confused with the SRA funding categories.

Education Providers for some IETP elements may also be asked to report outcomes by geolocation. Where specified, it will be mandatory to report by geographic location.

Metropolitan zone

The metropolitan zone constitutes the mainland State Capital City regions (ABS Statistical Divisions) and major urban Statistical Districts (those with populations of $\geq 100,000$). This includes Sydney, Melbourne, Brisbane, Adelaide, Perth, ACT-Queanbeyan, Cairns, Gold Coast-Tweed, Geelong, Hobart, Newcastle, Sunshine Coast, Townsville and Wollongong.

Provincial zone

The provincial zone includes provincial city Statistical Districts plus Darwin Statistical Division and other provincial areas (ABS Collection District ARIA Plus score ≤ 5.92). This includes, for example, Albury-Wodonga, Ballarat, Bathurst-Orange, Burnie-Devonport, Bundaberg, Bendigo, Darwin, Launceston, La Trobe Valley, Mackay, Rockhampton, Toowoomba, Wagga Wagga, Bunbury, Coffs Harbour, Dubbo, Geraldton, Gladstone, Shepparton, Hervey Bay, Kalgoorlie-Boulder, Lismore, Mandurah, Mildura, Nowra-Bomaderry, Port Macquarie, Tamworth and Warrnambool.

Remote zone

The Remote zone consists of those areas with a CD ARIA Plus score of >5.92 and ≤10.53.

Very remote zone

The Very Remote zone consists of areas which have a CD ARIA Plus score of >10.53.

Definition of terms

Excluding ARIA, all terms in this chapter are based on the Glossary of Statistical Geography Terminology which can be found at:

<http://www.abs.gov.au/Ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/32eb1b908521ad75ca2571220079fee!OpenDocument>.

Reporting requirements

Educational performance and financial reporting are conditions of nearly all Funding Agreements. The reporting requirements will vary depending on the IETP elements covered by the Funding Agreement.

Most IETP elements include the following reporting requirements:

- progress reports;
- performance reports; and
- financial acquittals.

Monitoring

Funding Agreements will usually establish that providers must participate in exercises (including audits of the performance records to confirm the validity and accuracy of performance data) and must have primary source documentary evidence relating to the performance data.

Further, it is generally a requirement that providers participate in evaluating the effectiveness of projects and initiatives. The Department will monitor the progress of projects. Such arrangements are aimed at ensuring that the provider receives adequate support from the Department, and that program funds are used in the most efficient and effective manner to achieve positive outcomes for Indigenous students.

Financial acquittal

Most Funding Agreements require that a financial statement and acquittal are required at the end of the Funding Agreement period, to ensure that the funding is being used effectively in achieving the outcomes for which the funding was provided.

Funding Agreements will usually require that providers must send to the Department:

- a certificate stating that all funding received was expended or committed for purposes specified in the agreement;
- an audited, detailed statement of income and expenditure of the funding for the funding year, which must include a definitive statement as to whether the financial

accounts are true and fair, and a statement of the balance of the provider's account; and

- an audited statement that the funding has been spent (or committed to be spent) in the funding year for the purposes specified in the Funding Agreement.

The audit must be carried out by a person who is:

- registered as a company auditor under a Corporations Act; or
- a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'; or
- a member of the Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'; or
- a member of the National Institute of Accountants who is entitled to use the letters 'MNIA', 'FNIA', 'PNA' or 'FPNA'; and
- not a principal, member, shareholder, officer or employee (or any holding company or a subsidiary).

Different rules apply if Education Providers are audited by the Auditor General of the Commonwealth or of a state or territory.

Carryover of funds

At the end of a funding year, Funding Agreements will usually provide that unspent funds must be returned to the Department unless approval has been given to carry forward these funds. In place of the unspent funds being returned to the Department, the Department may choose to deduct the unspent amount from the next funding year payment. Approval to carry forward funds from one funding year to the next will be given in exceptional circumstances only.

Providers must seek approval in writing to carry forward any funds unspent at 31 December of the funding year. Requests for such approval should be directed to the contact officer specified in the Funding Agreement.

Approval must generally be obtained by 31 March of the year following the funding year.

Fraudulent behaviour

Under the Criminal Code, the provision of false or misleading information to the Commonwealth is a serious offence.

Eligibility for funding

The IETP elements aim to improve the educational outcomes of Indigenous students.

To receive assistance under these schemes, a student must be:

- an Indigenous person; and
- enrolled in a formal education or training course with a recognised Education Provider, unless otherwise specified in the eligibility criteria of a particular IETP element.

Students in remote areas may attract additional assistance.

Other eligibility criteria applicable to each IETP element are set out in the description of that IETP element.

Definition of Indigenous

To qualify for assistance as an Indigenous student, a person must be a member of the Aboriginal race of Australia or a descendent of an Indigenous inhabitant of the Torres Strait Islands.

In determining whether a person is to be considered as an Indigenous person for the purposes of IETP elements, the Department considers whether the person:

- is of Australian Aboriginal or Torres Strait Islander descent; and
- 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.

The Department may require students, or parents/caregivers or providers on their behalf, to sign a statutory declaration stating that the students are Aboriginal or Torres Strait Islander persons. In some instances, where a person's Indigenous status is challenged, the Department may require the person to demonstrate their descent and/or acceptance by an Indigenous community.

Roles and responsibilities for working with children

The Australian Government is committed to protecting children from harm, promoting their wellbeing and to ensuring the safety of students participating in IETP elements, including those funded through the IETA Act.

Providers must ensure that all personnel who are delivering services to children through IETA funded initiatives, other than teachers who are teaching at a participating school and whose participation in the project is undertaken as part of their role as a teacher at such schools, will be required to comply with the relevant State-based legislation in the State/Territory in which they work.

While the use of these guidelines is an important tool for minimising the likelihood of abuse or ill-treatment of children by those working with them, it does not replace the need for fostering a workplace culture committed to child safety.

Definitions

For the purposes of these Guidelines a child is considered a person under 18 years of age.

Responsibilities of funded organisations

Education and non-Education Providers that receive funding under any element of the IETP must ensure that persons who come into contact with children in the delivery of a funded initiative are suitable persons to work with children and comply with any working with children checks required by the Department or the State or Territory in which the services are being delivered.

The requirements of organisations delivering IETP in relation to working with children are set out at the following webpage: https://www.nationalcrimecheck.com.au/police-checks-individuals/resources/working_with_children_checks_in_australia.

Because different levels of risk apply to different IETP program elements there may be extra provisions outlined in these Guidelines relevant to a particular program element or within the Funding Agreement.

Freedom of information

All documents in the Department's possession are subject to the *Freedom of Information Act 1982* ('FOI Act') including those with regard to Indigenous-specific education and training funding.

The FOI Act gives every person a right to obtain access to documents in the possession of the Department, unless the document falls within one or more of the exceptions or exemptions specified in the FOI Act.

Where documents are released pursuant to a FOI request, there is no limitation under the FOI Act regarding what the applicant can do with these documents. Therefore release should be regarded as release to the public generally.

Unless a document falls under an exemption provision it will be made available to the general public if requested under the FOI Act. Decisions regarding requests for access will be made by the authorised decision maker in accordance with the FOI Act.

All FOI requests must be referred to the Legal Division via email at FOI@innovation.gov.au.

The Privacy Act 1988

In administering Indigenous-specific education funding the Department is bound by the provisions of the Privacy Act 1988 ('Privacy Act'). Section 14 of the Privacy Act contains the Information Privacy Principles (IPPs), which prescribe the rules for handling personal information. Persons, bodies and organisations involved in the administration of funding arrangements must abide by the IPPs and the Privacy Act when handling personal information collected for the purposes of that scheme/program.

In brief, persons, bodies and organisations must ensure that:

- personal information is collected in accordance with IPPs 1-3;
- suitable storage arrangements, including appropriate filing procedures, are in place;
- suitable security arrangements exist for all records containing personal information;
- access to a person's own personal information held by the organisation is made available to the person at no charge;
- records are accurate, up-to-date, complete and not misleading;
- where a record is found to be inaccurate, the correction is made;
- where a person requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment are noted on the record;

- the personal information is only to be used for the purposes for which it was collected, or for other purposes where expressly allowed by IPP 10; and
- personal information is only disclosed in accordance with IPP 11.

Privacy complaints and advice

Complaints about breaches of privacy and requests for advice about privacy should be referred to the Privacy Contact Officer in the Legal Division via email to privacy@innovation.gov.au. Privacy complaints can be made directly to the Federal Privacy Commissioner. However, the Federal Privacy Commissioner generally prefers that the Department be given an opportunity to deal with the complaint in the first instance.

Privacy requirements in Funding Agreements

Providers must comply with the IPPs as part of their obligations under a Funding Agreement with the Commonwealth.

Protocol for handling personal information of Indigenous people (Minding your own business)

Privacy Commissioner (February 1998). Privacy protocol for Commonwealth agencies in the Northern Territory handling personal information of Aboriginal and Torres Strait Islander people.

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Introduction – the Privacy Act 1988

This Protocol has been prepared by the office of the Federal Privacy Commissioner, in consultation with Aboriginal and Torres Strait Islander people and organisations, and with Commonwealth government agencies. It is intended for use specifically in the Northern Territory. However agencies are encouraged to develop similar Protocols in consultation with Aboriginal and Torres Strait Islander people in other parts of the country.

When handling any personal information, Commonwealth government agencies must comply with the Information Privacy Principles found at s14 of the *Privacy Act 1988*. This Protocol is intended to cover in more detail how the Principles apply to some specific privacy issues relating to the handling of personal information of Aboriginal and Torres Strait Islander people.

The Privacy Commissioner can investigate complaints about a breach of the Information Privacy Principles. While failure to follow the guidelines in this Protocol will not necessarily be a breach of the Privacy Act, it would almost certainly require an investigation to determine whether or not this was the case. If agency staff are in doubt they should follow the procedures for obtaining further advice which are outlined at the end of the Protocol. Although it is unlikely that following this Protocol could result in a breach of the Information Privacy Principles, the Privacy Commissioner would take into account that the Protocol had been followed in coming to a decision on any related complaint.

Why have privacy protocols for Aboriginal and Torres Strait Islander people?

The right to privacy is one of the human rights to which all people in Australia are entitled. But the existence of the Privacy Act has not so far been able to ensure privacy rights for many Aboriginal and Torres Strait Islander people in the Northern Territory in their dealings with Commonwealth agencies.

This is partly because they do not equally enjoy other human rights. But the right to privacy is also sometimes seen as making it harder to provide services for Aboriginal and Torres Strait Islander people. The Protocol aims to explain in a practical way why this does not have to be the case - how to protect some specific rights provided by the Privacy Act, without interfering with service delivery.

The Information Privacy Principles in the Privacy Act are legally binding. The Protocol aims to provide an interpretation of some aspects of the Principles in a way which is culturally appropriate for Aboriginal and Torres Strait Islander people living in the Northern Territory.

Collection of personal information

The Privacy Act sets out broad rules to protect the personal information of everyone in Australia against unnecessary, unfair, or overly intrusive collection by Commonwealth government agencies. But cultural differences mean that these rules will often have different effects for different types of information. The cultural sensitivity of some personal information means that it requires increased protection.

Aboriginal and Torres Strait Islander people have a right to be told why their personal information is being collected, and to be protected against:

- unnecessary collection of culturally sensitive personal information;
- methods of collecting personal information which are culturally insensitive; and
- otherwise unreasonably intrusive collection of personal information.

Unnecessary collection

Under the Privacy Act one of the basic rules is that any personal information collected by an agency (whether or not it is asked for) must be necessary for the agency's purposes. When the information is culturally sensitive it is especially important to see if there are other ways of achieving the desired purpose than to collect that information:

- If there are less intrusive alternatives available than collecting culturally sensitive personal information, they should be used instead; and
- This also means that all agency staff that are likely to have to assess whether information is culturally sensitive or not should be properly trained in cross-cultural issues appropriate to the local area.

Voluntary provision of culturally sensitive personal information

Culturally sensitive information should only be asked for on a voluntary basis unless it is absolutely essential for an agency's statutory function.

If there is no choice but to ask for culturally sensitive information, the request should be made carefully and with all possible steps to minimise the intrusion. The reason for the request must be explained.

Information about people who have passed away

The name of a person who has passed away is generally extremely sensitive information and must only be asked for when it is essential for an agency's purposes. Even when this is the case, in many communities it is important that close relatives are not asked to discuss, write down or see written down the name of a person who has passed away. If such information becomes relevant when a close relative is being interviewed or asked to complete a form, consent should be requested to obtain the information from another source (for instance hospital records).

It is also important that this information is not requested incidentally. Questions about family members, on forms or in interviews, should be structured to ensure that the name of a person who has passed away is not being requested. One way to do this is to ask first whether a person's parents are living, before asking for their names. As a general rule, if the close relative has passed away their name should not be requested.

Previous names

A common reason for a change of name is that a person with the same name has passed away and that name can no longer be used. Unless the information is essential for an agency's statutory functions, any questions about previous names on forms or in interviews therefore should allow for this information to be provided on a voluntary basis. One way to achieve this is to make clear on forms that a question need only be answered "if you are able to". Agency staff should in any case always request such information politely and with general sensitivity.

Ceremonial business

It is unlikely that even general information relating to ceremonial business would be necessary for or relevant to an agency's functions. Any proposal to request such information should therefore be carefully assessed to ensure that the information is essential for the agency's purposes. As a general rule, detailed information about ceremonial business would not be relevant to most agencies' functions and therefore must not be collected.

Skin names

There are sometimes legitimate reasons for asking for this information, for instance to help with establishing proof of identity. Often it is not considered particularly sensitive but to avoid any possible problems it should only be collected on a voluntary basis. If a person cannot or does not want to provide their skin name this should be allowed and other means of sorting out identity pursued.

Surveys and research

It is essential in considering research or surveys of Aboriginal or Torres Strait Islander people that the necessity for the information is first established. If research is considered necessary, the information obtained should not be retained in a form linking it with identifiable individuals unless this too is essential.

The Privacy Act also says that people who are being asked for personal information must usually be told why that information is needed and what it will be used for.

If personal information is asked for in situations which are not directly related to an immediate service to the person concerned, then it is especially important to explain why that information is being asked for. Even if the person's identity will later be removed from their information, for example as anonymous or aggregated survey information, the reason for asking for it should still be explained sensitively and clearly.

Unnecessary repeated collection of information

The collection of personal information is probably unnecessary and perhaps unreasonably intrusive if an agency already holds it and can readily retrieve it. An example would be requiring a person to “start again” and provide proof of their identity or a tax file number after a relatively short break in contact, if that information is already held in a computer system or on a paper file.

Agencies should ensure that administrative practices avoid unnecessarily repeating the collection of basic information. This will often require greater attention to information collection practices than might be necessary in an environment in which documentation is more likely to be available.

Inter-Agency coordination to minimise unnecessary collection of information

Privacy principles generally require strict separation of information held by different government agencies unless there is a law authorising exchanges of information or the person has given their consent.

On the other hand it can sometimes be very intrusive to be asked to provide the same information repeatedly to different government departments. In some situations it may be better to give people the choice of having basic information obtained from another agency rather than repeatedly being asked to provide it themselves.

What agencies can do

Where information is likely to be held by another agency, the wishes of the individual should be determined at the outset. If there is a preference for that information to be obtained from the other agency, the person's consent should be formally obtained. Existing coordination and liaison arrangements should then be used to obtain the information from the other agency. If consent has been clearly provided to the agency requesting the information, the agency disclosing the information must satisfy itself that consent has been granted, but does not have to obtain separate consent itself.

It is possible that in some situations an insistence on collection from the individual concerned could raise issues related to unnecessarily intrusive collection of information.

What agencies cannot do

It is not appropriate to imply consent to obtain information from another agency simply from the fact that a person has had some dealings with that agency in the past. Direct consent is necessary and should whenever possible be obtained in writing. If getting written consent would unnecessarily delay provision of the service, consent given by telephone may be sufficient as long as it is formally recorded in a file note.

Disclosure of personal information to another person

Aboriginal and Torres Strait Islander people in the NT, whether they live in remote communities or in town, often use intermediaries to deal with government departments. It is their right to do so if they wish and using an intermediary should not cause the standard of service delivery to suffer.

On the other hand a person's right to privacy includes the right to protect their personal information from being disclosed to someone else, except in the limited situations set out in the Privacy Act. Most agencies take this right very seriously and protect the information they hold with strict security and confidentiality rules.

There is no conflict between these two principles - dealing with intermediaries but protecting the security of personal information - if the person consents to their information being given to the other person. Under the Privacy Act and most other secrecy or confidentiality legislation consent is a valid basis for providing a person's information to someone else.

Consent to disclose information does not have to be in writing. Nor does it have to be given directly by the person concerned if it can be implied from their actions. Subject to verification as outlined below, if a person asks someone to make enquiries for them their action in asking them to make the enquiry will generally imply their consent for the agency to disclose their information.

The following approach should be adopted whenever someone contacts an agency and says they want information about someone else.

Note - these procedures only apply when the intermediary or the person whose information is at issue initiates the enquiry.

Obtain direct consent if possible

If it is practicable without causing unreasonable delay, the person's express consent to discuss his or her information with the intermediary should be obtained. For telephone enquiries where the person speaks English and is with the intermediary they should be asked to be put on the line to confirm that disclosure is permitted.

If the request is not urgent, consent could be obtained in writing, by mail or fax but it is important not to allow this to interfere with efficient service delivery.

Where practical, it is a good idea when first obtaining information from someone to also check if they want an intermediary to be authorised to be told information about them. If they do, written consent may be obtained for future disclosures.

Confirm the legitimacy of the intermediary

If no previous express consent has been provided and a brief conversation to establish express consent is not possible then the identity and legitimacy of the intermediary should be established.

It is up to each agency to decide how this should be done. Examples would be if the intermediary is already known to the staff member; if they are on a list of known representatives of organisations or community advisors; or by such devices as returning the

phone call or questioning the intermediary further about their position. In some cases it may be appropriate to have a form completed by people whose positions mean they will frequently be acting as intermediaries for agency clients.

Confirm the relationship with the person

The legitimacy of the intermediary relationship with the client should also be established, either from the nature of the intermediary's formal position (examples would be community advisor, or legal aid lawyer) or by further exploring the relationship with the person whose information they are asking for.

Implied consent to disclose information

If it then appears reasonable in all the circumstances to do so, the consent of the person to disclose their personal information to the intermediary may be implied and relevant information can be provided to the intermediary.

It is important to remember that the implied consent can only be to disclose information relevant to the intermediary and the nature of the enquiry. If there is reasonable doubt about the legitimacy of the claimed relationship with the person whose information is being sought, then agencies will need to make further checks.

A flexible approach should be adopted when an agency staff member thinks there is no valid implied consent to disclose someone's information to someone else. Whenever possible the preferred option is for a more senior officer to take the enquiry before a final refusal to provide information is given.

What if the agency initiates the contact?

Implied consent could exist if the client has taken some action which suggests they intend the intermediary to receive the information from the agency, for example, the client has asked the intermediary to make the enquiry or if the client makes available to intermediary information which an agency seeks.

In agency-initiated enquiries consent to disclose personal information cannot be assumed until it has either been expressly obtained or can be implied from the client's actions. For example, it cannot be assumed that information may routinely be disclosed to a community advisor or administrator just because a person lives in that community.

If an agency initiates an enquiry and has to make contact through an intermediary, such as a community advisor, only the minimum information to make the message effective can be disclosed.

Summary

When information is asked for about another person, it cannot usually be disclosed without that person's consent. Whether consent can be implied must be decided by agency staff on the basis of an assessment which is reasonable in the circumstances of the person's actions. While a person's right to privacy must be protected, so must the right to adequate service delivery.

Tax file numbers

The handling of tax file numbers (TFNs) is very closely regulated through two sets of rules - the tax laws and the Privacy Commissioner's tax file number Guidelines. Both sets of rules are binding on every person and organisation in Australia.

The most important rule is that unless there is a separate law permitting it the TFN cannot be used to identify a person. This Protocol cannot make any change to that rule.

The rules also require that TFNs are kept suitably secure by organisations and agencies which are allowed to ask for them. Often this means that they would not be given to anyone except the person who's TFN it is. It also means that only some staff have access to the TFNs.

But there are cases where Aboriginal and Torres Strait Islander people do not keep a record of their TFN. This can cause problems and delays when an agency asks for it. As long as the security of TFNs is maintained, agencies should be as flexible as possible to minimise delays and disruption caused by a request for a TFN.

The best way to do this is to get the person's consent to obtain the TFN directly from the Australian Taxation Office or from another agency which has asked for it in the past.

The ATO has developed a form for use by Aboriginal or Torres Strait Islander people who wish to obtain their TFN. The form allows the applicant to authorise the ATO to contact various organisations about the application. It also allows for authorisation to provide the TFN to some agencies who commonly need it.

Agencies should ensure that there are effective liaison procedures in place to allow exchanges of TFN information as long as the clear consent of the client has first been obtained by either the agency requesting the TFN or the agency providing it.

What to do if there is a problem applying this protocol

As a first step, senior staff within the agency should be consulted if there is a problem with applying this Protocol. Every agency also has a Privacy Contact Officer, usually located in the central office, who should be consulted about enquiries relating to privacy. If necessary, the Privacy Commissioner's Office may be contacted toll free on 1800 023 985 for advice about this Protocol.

Privacy Complaints

Anyone who thinks that an Australian Government agency has not followed the Privacy Act can make a complaint. The first step is to make the complaint directly to the agency and to wait to see if the agency can fix up the problem. If they can't, then the Privacy Commissioner will have a look at it to see if it is something that she can investigate for herself.

It is important to remember that this Protocol aims to explain the Privacy Act but it cannot replace it. The major agencies have agreed to follow this Protocol, but if they don't, it is not automatic that they have not followed the Privacy Act. That would be sorted out as part of looking at a complaint.

Anyone who needs any help about this Protocol or about how to make a complaint can ring the Privacy Commissioner's office in Sydney. This is charged at local call rates. The number is 1300 363 992. More information may be found at the following link:

<http://www.privacy.gov.au/>

PART 3: TARGETED PROGRAMS

Away-from-Base for ‘mixed-mode’ delivery (AFB)

Away-from-Base (AFB) funding assists with the costs of fares, meals and accommodation for eligible Indigenous VET and higher education students studying approved ‘mixed mode’ courses.

There are two broad categories of AFB assistance:

- ‘Mixed-mode’ AFB, administered by the Department and paid to the institution which manages the delivery of the program; and
- ABSTUDY AFB, administered by Department of Human Services (DHS) and paid to the eligible student or their institution.

Eligible students may only receive assistance under one form of AFB for courses undertaken in a calendar year. DHS and the Department share course data to ensure eligible students are not assisted under both forms of AFB.

Part 1 of these Guidelines provides an overview of the full range of Indigenous Education and Training Program objectives and information.

Part 2 of these Guidelines provides details of the range of Standard Conditions, which should be read in conjunction with this Chapter regarding AFB.

‘Mixed-mode’ Away-from-Base

‘Mixed-mode’ AFB provides funding to assist with travel costs of students studying approved courses where that course requires the student to travel away from their permanent home address or study location for a short period of time. This includes students required to attend short courses, field trips, occasional residential schools, practical placements or other approved activities.

AFB is intended to assist providers to accelerate educational outcomes for Indigenous students beyond those which would reasonably be expected from mainstream and own-source funding. It supplements provider core funding and cannot be used to substitute or replace it.

Section 10 of the *Indigenous Education (Targeted Assistance) Act 2000* (the IETA Act) (available: <http://www.comlaw.gov.au/Details/C2012C00480>) allows the Minister (or their delegate) to make agreements with education providers for the payment of funding for ‘ABSTUDY approved courses’ that are run by an education provider.

An ‘ABSTUDY approved course’ is defined in section 4 of the IETA Act as follows:

‘**ABSTUDY approved course**’ means a course that:

- a) is provided through a mixture of distance education and either or both of the following:
 - i. residential education;

- ii. face-to-face education; and
- b) is provided at a higher education provider or a vocational education and training institution; and
- c) is approved as a mixed-mode course under the ABSTUDY Scheme.

DHS is responsible for the approval of courses under the ABSTUDY Scheme. For further information on ABSTUDY course approval, contact your relevant DHS Course Approval Officer.

‘Mixed-mode’ study is a form of tertiary education where students undertake courses of study through a combination of distance and face-to-face education. Examples of face-to-face education include, but are not limited to:

- intensive residential blocks; or
- periods of face-to-face teaching.

For ‘mixed-mode’ delivery, the greater proportion of a course must be undertaken by distance education (i.e. at least 50%), supported by other approved ‘mixed-mode’ activities.

For full-time equivalent (FTE) students, a ‘mixed-mode’ AFB course must include a minimum of 20 face-to-face days in a funding year. If students are studying less than full time, the number of face-to-face days required to qualify for ‘mixed-mode’ AFB is calculated on a pro-rata basis.

The availability of appropriate information technology may reduce the amount of time students need to spend away from home by allowing them to undertake some components of their ‘mixed-mode’ course online. Where improvements to, or the availability of, information technology causes the face-to-face component of a course to fall below the minimum requirement of 20 days, providers may seek an exemption to the minimum requirements. Applications must be made in writing to the Department and will be considered on a case-by-case basis.

AFB is only available to eligible higher education and VET providers. It must not be paid directly to students except as a travel allowance.

ABSTUDY Away-from-Base

ABSTUDY AFB is administered by DHS. Eligibility for ABSTUDY AFB is assessed through individual applications lodged by students and/or institutions.

ABSTUDY AFB enables eligible students to participate in the necessary academic components of an approved course where that course requires students to travel away from their permanent home or study location for a short period of time. AFB assistance covers the student’s travel costs to attend the activity and the reasonable costs of accommodation and meals while away from his/her normal place of residence.

For further information on ABSTUDY AFB, contact your local DHS ABSTUDY Officer.

Indigenous Education Agreement

If a provider's application for AFB funding is successful, the Department will offer the provider a Funding Agreement. The Funding Agreement may include schedules for funding of other IEP elements.

The provider must read the Funding Agreement carefully and initial every page to show that they understand and accept the terms of the agreement. The Funding Agreement must be signed by a person with the authority to legally bind the institution to a contract (for example, but not limited to, a Chief Executive Officer, Vice-Chancellor or Principal). The provider must return both originals to the Department.

The Department's delegate will then sign both originals of the Funding Agreement, returning one to the provider for their records.

The Funding Agreement must be signed by both the provider and the Department before AFB funding will be available.

Eligibility

To be eligible for assistance under AFB, students must be:

- Aboriginal or Torres Strait Islander (see Chapter 10 of the ABSTUDY Policy Manual – Aboriginality or Torres Strait Islander Status); and
- enrolled in and studying an approved 'mixed-mode' course with a provider in receipt of 'mixed-mode' AFB funding for that course; and
- approved for one or more ABSTUDY benefits payable by DHS during the funding year in which study is being undertaken and in respect of the 'mixed-mode' course in which they are enrolled (other than the testing and assessment payment); and
- undertaking one of the following:
 - an approved undergraduate or post-graduate degree by coursework (including Masters or Doctorate studies); or
 - VET studies; and
- undertaking an approved course of study that is a combination of distance education and residential face-to-face education.

Ineligible Students

Providers may not claim AFB funding for students who are not of Aboriginal or Torres Strait Islander descent or who are:

- undertaking study where there are minimal or no distance education requirements other than those undertaken as part of an approved face-to-face AFB activity (see ABSTUDY Policy Manual Chapter 11.6 – Excluded courses); or
- studying internally (i.e. not via 'mixed-mode' course delivery); or
- not approved to receive ABSTUDY during the term of the 'mixed-mode' course; or
- receiving ABSTUDY AFB assistance from DHS; or

- receiving the Commonwealth Accommodation Scholarship component of the Commonwealth Learning Scholarship or are trainees/completing apprenticeships (trainees and apprentices may be eligible for assistance with travel costs under other programs).

ABSTUDY eligibility requirements for AFB

DHS approves education institutions and courses for the purposes of the ABSTUDY Scheme and will determine students' eligibility for ABSTUDY assistance. This includes the approval of courses as 'mixed-mode' under the ABSTUDY Scheme.

For each year of study, students must also supply their education institution with evidence of their ABSTUDY entitlement, issued by DHS, in respect of the course for which they are seeking AFB assistance. Evidence of a students' ABSTUDY entitlement must be obtained and recorded by providers before any AFB assistance can be provided.

A statutory declaration made by a student is not acceptable evidence of ABSTUDY entitlement. Providers must retain records relating to all eligible students supported to undertake study through AFB. The Department may undertake audits of this data throughout the duration of the funding agreement.

Where proof of ABSTUDY entitlement cannot be shown by the student, providers may apply to the Department's delegate, in writing, to request that this condition be waived. Such requests will be considered on a case-by-case basis, with approval being granted in exceptional circumstances only.

Providers must ensure that they have verified a student's entitlement to, and receipt of, ABSTUDY. Students who are not entitled to or in receipt of some form of ABSTUDY payment must not be reported in 'mixed-mode' AFB enrolment records. If students are incorrectly reported through this process, providers must repay any overpayment to the Department.

The Department may seek information from DHS to confirm the number of students in receipt of some form of ABSTUDY allowance in respect of 'mixed-mode' AFB courses at a funded institution.

Eligible higher education providers

To be eligible to receive AFB funding, a higher education provider must be a higher education provider for the purposes of s16.1 of the *Higher Education Support Act 2003 (HESA)*.

Eligible higher education courses

To be eligible for AFB funding, 'mixed-mode' higher education courses must be approved as a 'mixed-mode' AFB course by DHS under the ABSTUDY Scheme and accredited as higher education courses by:

- the authority responsible for the accreditation of higher education courses in the State or Territory in which the course is conducted; or
- the higher education provider, where that provider is authorised by a law of the Commonwealth or a law of the State or Territory in which the provider is located to accredit its own higher education courses.

Eligible Vocational Education and Training (VET) providers

To be eligible to receive AFB funding, a VET provider must:

- be an RTO within the meaning of the National Vocational Education and Training Regulator Act 2011; and
- provide VET courses (within the meaning of the National Vocational Education and Training Regulator Act 2011) which are recorded as being within the organisation's scope of registration on the National Register (available at <http://www.training.gov.au>); and
- be delivering training that is reported via the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) through the local State Training Authority to the National Centre for Vocational Education Research (NCVER); and
- be approved by DHS for ABSTUDY purposes; and
- be a not-for-profit organisation.

Eligible Vocational Education and Training (VET) courses

To be eligible for 'mixed-mode' AFB funding, 'mixed-mode' VET courses must be approved as an AFB course by DHS under the ABSTUDY Scheme.

First aid certificate courses are not eligible for AFB assistance unless they are an integral part of a broader course of study in which the student is enrolled, such as Nursing.

Courses of study where there are minimal or no distance education requirements, other than those undertaken as part of an approved face-to-face AFB activity (see ABSTUDY Policy Manual Chapter 11.6 – Excluded courses), are not eligible for AFB funding.

Away-from-Base approved activities

An AFB approved activity is one that is an essential academic component of an approved course which requires students to travel away from their permanent home or study location for a short period of time.

Funding may be used to assist with the costs associated with fares, meals and accommodation for eligible Indigenous VET and higher education students studying approved AFB courses, who as part of their course, are required to attend:

- residential schools;
- student placements; and/or
- field trips.

Providers must obtain prior written approval from the Department before expending 'mixed-mode' AFB funding on activities not specified in these Guidelines.

Residential schools

The primary purpose of 'mixed-mode' AFB funding is to allow providers to assist students living off-campus with travel costs to attend intensive on-campus residential schools, which form an essential academic component of their AFB course.

Student placements

Providers may use AFB funding to assist with the costs associated with fares, meals and accommodation for students required to travel or live away from their usual place of residence or place of study in order to undertake practical placements as part of their AFB course. Practical placements may include, but are not limited to, on-the-job training for students undertaking medical or teaching courses.

Placements must be undertaken at the most cost-effective location available.

The allowable maximum placement period for which AFB funding can be used, without prior written approval from the Department, is 10 working days per Semester.

Where placements will exceed 10 working days per Semester, providers must apply to the Department for approval. Applications for approval of extension to the allowable practical placement period must be submitted to the Department in writing at least 5 working days before the commencement of each placement. Such requests will be approved on a case-by-case basis and should not be regarded as setting any precedent for future decisions.

Field Trips

Providers must notify the Department in writing prior to using AFB funding for field trips.

Field trips must meet at least one of the following criteria to be considered an approved AFB activity:

- are of academic relevance;
- contribute to course assessment; or
- provide activities or learning experiences not available at the usual study location.

Meals and accommodation costs are payable only where there are overnight stays.

Reverse block release

Providers must obtain prior written approval from the Department before using AFB funding for reverse block release.

Reverse block release is a form of 'mixed-mode' AFB where a provider pays the costs for a teaching representative (i.e. a lecturer) to travel to and deliver course content in a student's home community or another location not on campus.

Reverse-block course delivery must be equivalent to a normal residential block only delivery occurs at the student/s' location rather than at the institution.

AFB funding must only cover relevant fares, meals and accommodation costs of teaching representatives; not course delivery costs.

The provider must demonstrate that a reverse block release is a more cost-effective option than requiring the student/s to travel to the institution.

Providers must submit the following information to enable the Department to consider any request for a reverse block release:

- the name of the course and unit/model for which approval is being sought;
- the proposed dates for the reverse block release;
- the proposed location for delivery;
- the number of students participating in each reverse block release;
- a comparison of the estimated costs for fares, meals and accommodation if the block release were to be conducted:
 - at the institution;
 - at the proposed reverse block release location; and
- any other information the provider considers being relevant.

The Department will specify the limits of any approval for reverse block release delivery for which approval may be granted. Such requests will be approved on a case-by-case basis and should not be regarded as setting any precedent for future decisions.

Expenses for which 'mixed-mode' AFB funds cannot be used

While providers may seek approval from the Department to use funding for purposes not specified above, AFB funding may not be used for:

- course delivery costs;
- payment of course fees;
- debt repayment;
- course assets such as, but not limited to, computers or medical equipment;
- car hire for personal use;
- fees such as entry fees, conference registration fees and costs, or exhibition fees;
- child care;
- income support for students;
- travel and accommodation costs of persons other than approved travellers, including shared accommodation and other persons on charter flights;
- extended travel costs at a location beyond the conclusion of an approved 'mixed-mode' AFB activity;
- compassionate travel;
- travel costs for the sole purpose of graduation, testing or assessment activities;
- undertaking post-graduate studies other than by coursework (refer Eligibility on page 28) (including Masters or Doctorate studies); or
- travel outside of Australia.

Conditions of travel (period of AFB entitlement)

AFB funding may only be used for:

- the length of the approved activity; and
- any periods of unavoidable overnight stopovers at an in-transit location(s) or an AFB destination due to interrupted transport timetables.

Number of allowable trips

There are no limits to the number of allowable trips under AFB. Providers may spend their annual entitlement at their own discretion to meet the costs of approved travel, so long as activities are approved under these Guidelines and adhere to overall value for money principles.

Where expenditure on 'mixed-mode' AFB activities exceeds a providers' annual entitlement, providers must meet any additional costs from own-source funding. No additional funding will be provided by the Department to cover over expenditure.

Each funding year is mutually exclusive. That is, funding provided in one year cannot be used in a subsequent funding year.

Interstate travel for student placements or field trips

Providers must obtain written approval from the Department before interstate field trips or placements are undertaken. These travel arrangements will usually only be approved for AFB funding where:

- they involve travel between NSW and ACT; or
- the provider is near a State/Territory border; or
- the training or experience is essential for successful completion of the course and is not available within the student's home State/Territory.

Allowable travel

AFB funding can be used to meet the allowable travel costs of approved travellers between their place of origin, the destination of the activity, and the return journey.

"Approved travellers" include AFB students, or in the case of some activities, such as reverse block release, a relevant teaching representative (i.e. lecturer).

The "place of origin" is normally the traveller's permanent residence. For some placements, such as field trips or reverse block release, the place of origin may be the relevant institution.

The destination of each activity is the location at which each approved AFB activity occurs.

Eligible travellers

AFB funding may be used to cover relevant travel costs of eligible travellers.

An eligible traveller may be:

- eligible students undertaking approved activities;

- a teaching representative (i.e. lecturer) travelling for the purposes of delivering an approved activity;
- a driver or pilot of a charter transport company, where chartered travel is the most cost effective mode of transport for approved travellers; and
- any other traveller approved in writing by the Department prior to travel occurring.

AFB funding must not be used to cover the travel costs of persons other than those specified in these Guidelines (i.e. carers, children, guardians and partners).

Where a flight has been chartered to transport eligible travellers to and/or from an approved AFB activity, only approved travellers may use AFB chartered seats.

Persons who are not approved travellers for AFB purposes may not travel on AFB charter flights because of public liability considerations and the risk or perception of misuse of public funds. This does not necessarily prevent the charter company from offering vacant seats, not paid for as part of the charter, for sale to the public.

Varying travel dates and destination

AFB funding may only be used for the purposes of attending approved activities.

Approved travellers wishing to extend their stay at a location beyond the conclusion of an AFB activity must do so at their own expense (i.e. travellers will be responsible for additional accommodation and meal costs).

Where an approved traveller extends their journey beyond the conclusion of an approved AFB activity, funding may be used to cover the fares associated with returning to the place of origin. The difference in fare costs resulting from an approved traveller choosing to delay their departure date must be met by the approved traveller.

AFB funding may only be used for return travel between the place of origin and the destination of the approved activity. Where an approved traveller chooses to return to a location other than the place of origin, AFB funding cannot be used to cover the cost of fares.

Exceptions to these rules may be considered in some circumstances. However, providers must seek approval from the Department for any variation to travel that is outside these Guidelines. This must be done in writing prior to the commencement of any travel. Such requests will be approved on a case-by-case basis and should not be regarded as setting any precedent for future decisions.

Graduation Travel

The purpose of graduation travel is to enable students who have completed their studies to attend a graduation ceremony in respect of their completed course of study.

AFB funding cannot be used for fares, meals or accommodation costs related to graduation travel. This is because students will no longer meet eligibility requirements as they will have completed their AFB course and will, therefore, no longer be undertaking or be enrolled in the approved course of study.

DHS may provide funding to assist with the costs of graduation travel for eligible students. For more details, please contact DHS (see ABSTUDY Policy Manual – Graduation Travel).

Overseas travel

AFB funding cannot be used to fund travel outside Australia under any circumstances.

Providers' responsibilities

Under its Funding Agreement, a provider is responsible for managing AFB funding to assist with the costs associated with fares, meals and accommodation for eligible travellers. Providers may spend their annual entitlement at their own discretion to meet the costs of approved travel, so long as activities are approved under these Guidelines.

Providers may only pay eligible travellers a travel allowance or reimburse travel costs in exceptional circumstances.

Administration costs

Providers may spend up to 10% of their actual 'mixed-mode' AFB entitlement on program administration costs each calendar year. Administration costs refer to costs directly associated with delivering the AFB program. Examples of allowable administration costs include, but are not limited to, the proportionate costs directly associated with delivering the program:

- administrative staff salaries;
- administrative staff salary on-costs (e.g. superannuation);
- office and IT consumables (e.g. postage, paper, software);
- assets of a portable and attractive nature, including peripherals (e.g. digital cameras, printers, faxes, computers, mobile phones);
- office rent and utilities; and
- annual accounting and audit expenses.

Where a provider is unsure of whether a cost is eligible to be claimed as administration for the purposes of the AFB program, they should contact the Department for confirmation. The following formula is used to calculate your administration entitlement in any given funding year:

$$\text{AFB Administration Entitlement} = \text{Funding Entitlement} \times 0.1$$

'No show' costs

A 'no show' occurs when an approved traveller fails to attend approved AFB activities. That is, a provider has arranged fares, meals and/or accommodation for an approved traveller and this traveller fails to attend.

If a 'no show' occurs and the provider has incurred costs as a result of the approved traveller failing to attend, the provider must seek to recover these costs from the approved traveller.

If an approved traveller fails to attend AFB activities and can demonstrate extenuating circumstances, the provider may choose not to apply a 'no show' penalty as described

above. Providers must document any decision not to apply a 'no show' penalty and retain all relevant documentation on file to be provided to the Department on request.

Approved travel allowances

AFB funds may be used by providers to issue a travel allowance to approved travellers where approval has been sought and gained from the Department. Approval by the Department for issuing a travel allowance to a traveller will only be granted in exceptional circumstances where the provider is unable to make other appropriate arrangements.

A travel allowance may assist with the costs associated with fares, meals and/or accommodation incurred by approved travellers for approved AFB activities. A travel allowance is intended to cover the actual costs of fares, meals and/or accommodation not included in the residential package. It is not to cover other personal expenditures.

Travellers who are not required to live away from home or their permanent study location for the purposes of undertaking approved AFB activities may not receive a travel allowance.

The provider may issue an allowance to an approved traveller for the actual travel costs incurred up to a maximum of the equivalent allowance rate provided to non-Senior Executive Service level Departmental staff. These rates may be updated from time to time and are available from the Department on request. These rates are maximum payments allowable. Providers may choose to allocate a lesser amount where appropriate.

Claims must be supported by appropriate documentation (i.e. receipts) to be provided to the Department on request.

Public transportation fares

Providers may pay transport costs of eligible travellers participating in approved AFB activities. To ensure efficient and effective use of public monies, the cheapest practical mode of public transportation available must be sought to transport eligible travellers between their place of origin and destination.

Providers may only use modes of public transport other than the cheapest mode available where:

- no surface transport exists for the journey. In such a circumstances, providers must use economy air fares only;
- the total travelling time by surface transport exceeds ten hours and/or an overnight stay for a journey via surface transport is unavoidable
- it is unsafe to use public transport at the time of day at which the travel occurs; or
- an approved traveller has a medical certificate, providing sufficient detail of the condition which requires or excludes a particular mode of transport.

Self-travel

As an alternative to using public transportation, approved travellers may drive themselves to an AFB activity.

The provider may reimburse approved travellers for actual travel costs incurred for self-travel at the lesser of the following amounts:

- the number of kilometres travelled multiplied by the applicable motor vehicle allowance rate (refer to the Australian Tax Office website for the applicable motor vehicle allowance rate); or
- the cheapest refundable fare by an appropriate mode of public transport.

Travel between approved locations

AFB funds may be used to assist with the costs associated with travel between approved locations for a traveller in the following situations only:

- the place of origin and departure terminal (i.e. a bus station, airport or train station);
- the departure terminal and the place of accommodation near the destination where they will undertake approved AFB activities;
- between the place of accommodation and the location where they will undertake approved AFB activities;
- the place of accommodation/the destination where they will undertake approved AFB activities and the departure terminal; and
- the arrival terminal and place of origin.

AFB funds may only be used for travel between approved locations up to the value of:

- the fare levied for public transport by bus, rail or ferry; or
- a taxi fare, where:
 - public transport is not available;
 - it is unsafe to use public transport at the time of day at which the travel occurs; or
 - it is the first trip and the approved traveller is unfamiliar with the public transport routes.

Excess baggage

The cost of transporting a traveller's personal baggage in excess of that carried free of charge cannot be covered by AFB funding.

Residential block release and field trips

Where possible, the provider should arrange accommodation and meals for eligible travellers at or close to the approved activity. To enable ease of access to the approved activity, all attempts should be made by the provider to arrange accommodation that is within a reasonable distance of either the activity or public transport.

Accommodation should be arranged at the twin-share rate unless travellers can provide medical or cultural evidence to support the need for single accommodation. The evidence provided by the student must include sufficient detail to enable the provider to make an

informed decision on the requirement for single accommodation. This evidence should be held and maintained by the provider to be presented to the Department on request.

Private boarding or accommodation

Travellers who choose not to use accommodation arranged by the provider cannot receive a travel allowance for privately arranged accommodation.

Procurement guidelines for accommodation

As a general rule, providers must conduct procurements:

- in an efficient and effective manner;
- within the context of accountability and transparency applicable to the expenditure of public money; and
- ethically, so as to ensure that the transaction is based on trust and fairness which will stand up to public scrutiny.

Value for money is the core principal governing Australian Government procurement. Providers in receipt of AFB funding must ensure that any procurement process used to organise travel arrangements for approved travellers complies with the requirements in the Commonwealth Procurement Rules (available at: <http://www.finance.gov.au>).

Where a provider is unable to obtain the required number of quotations or meet the formal tender process, approval for an exemption may be sought from the Department prior to initiating procurement processes. Exceptions may be considered where:

- only one supplier exists;
- it can be demonstrated that one proposed supplier is clearly superior to all others in expertise, capacity and/or value for money; or
- the accommodation arrangements are required urgently and normal processes are impractical.

Applications by prospective providers

Providers not in receipt of 'mixed-mode' AFB funding, who wish to assess their eligibility for funding under this program can request an application form from the Department.

Prospective funding recipients should contact the Department at itpt@innovation.gov.au. It is important to note that individual students cannot apply for funding. In cases where the provider does not meet the eligibility criteria for 'mixed-mode' AFB, individual students may be eligible for ABSTUDY AFB assistance.

Determining provider eligibility

Prospective 'mixed-mode' AFB funding recipients must meet provider, student and course eligibility requirements outlined in these Guidelines.

New ‘mixed-mode’ AFB funding recipients

New AFB funding recipients can receive full year funding for submissions received before 30 September in the funding year. For submissions received after 30 September, funding will only be approved for the following funding year, subject to the provider meeting all other eligibility requirements.

Education Provider Unit Cost (EPUC)

Eligible providers will receive per capita funding for eligible students who are enrolled in and studying approved AFB courses. The per capita funding amount is called the Education Provider Unit Cost (EPUC). The EPUC is not negotiable and differs for established and new courses.

An established course is a course approved for ‘mixed-mode’ AFB delivery which the provider:

- was delivering in 1998;
- received AFB funding under the ABSTUDY Scheme for the course in 1998; and
- continues to deliver without substantial change to the course content or structure since 1998.

The EPUC for established courses is the average rate of funding provided to institutions for eligible students in 1998, indexed annually.

A new course is a course approved for ‘mixed-mode’ AFB delivery for which providers received funding for the first time after 1998. The EPUC for new courses is the median AFB funding rate per student across all providers in 1998, indexed annually. In 2013, the new course EPUC rate is \$5,811.27.

The EPUC rate for both established and new courses is indexed at 1 January each year to maintain the value of the funding in real terms in line with movements in the Consumer Price Index (CPI).

The annual funding entitlement for each provider is determined by the following formula:

$$\text{Annual Funding Entitlement} = \text{‘IS’} \times \text{EPUC}$$

where ‘IS’ the full-time equivalent (FTE) number of eligible Indigenous students enrolled and participating in an approved ‘mixed-mode’ AFB course at an eligible institution.

Category of students

To be eligible for ‘mixed-mode’ AFB, students may undertake study on a full or part-time basis. Where students are enrolled in and undertaking part-time or part-year study, providers will receive funding on a pro-rata basis.

For the purposes of reporting estimated and actual student enrolments to the Department, providers will need to indicate which category each eligible student falls within:

- For VET students:
 - *Full Time/Full Year* – those students who are studying an approved ‘mixed-mode’ VET course for more than 8 months (or 32 weeks) in any funding year and consisting of 540 eligible student contact hours (ESCH) or more.
 - *Part Time/Full Year* – those students who are studying an approved ‘mixed-mode’ VET course for more than 8 months (or 32 weeks) in any funding year consisting of less than 540 ESCH.
 - *Full Time/Part Year* – those students who are studying an approved ‘mixed-mode’ VET course for less than 8 months (or 32 weeks) in any funding year consisting of 540 ESCH or more.
 - *Part Time/Part Year* – those students who are studying an approved ‘mixed-mode’ VET course for less than 8 months (or 32 weeks) in any funding year consisting of less than 540 ESCH.

- For higher education students:
 - *Higher Education/Full Year* – those students who are studying an approved ‘mixed-mode’ higher education course in both semesters of any funding year.
 - *Higher Education/Part Year* – those students who are studying an approved ‘mixed-mode’ higher education course in only one semester of any funding year.

Where a student undertakes study for less than half of a calendar year (i.e. they withdraw) and have completed at least one approved AFB activity, funding will be calculated on a pro-rata basis according to the number of hours completed.

There is a maximum of one EPUC per student per annum, regardless of the number of units undertaken.

Managing funds

‘Mixed-mode’ AFB funding must be placed in a specific bank account used only for:

- AFB purposes, with the name of the account to include the ‘AFB’ acronym; or
- managed through an accounting system which is recognised by the provider’s independent auditor as suitable for readily identifying all AFB income and expenditure.

Expenditure identification

AFB recipients will be expected to report on calendar year expenditure in a form specified by the Department.

AFB financial acquittals must separately identify fares, meals and accommodation expenses for approved travellers undertaking approved activities. Where approved activities are delivered by reverse block release, providers are required to separately identify expenditure. Providers are also required to separately identify administration expenses.

First payments

Providers may be eligible to receive two AFB payments in each funding year.

The first payment will be 50% of the provisional entitlement based on estimated FTE student enrolments. Providers must submit their estimates in writing no later than 31 March of each funding year. Payment is also subject to meeting contractual reporting milestone obligations.

Second payments

The balance payment will be made upon receipt of actual eligible FTE student enrolment numbers. Providers must submit their actual eligible FTE student enrolment numbers in a form specified by the Department.

Under the *Commonwealth of Australia Statutory Declarations Act 1959*, providers must include a signed Statutory Declaration (provided by the Department) stating that the data provided is accurate. The Department will recalculate each provider's entitlement based on these actual FTE student enrolment numbers.

The balance payment will be the value of the actual entitlement less any payments made or offsets required in the funding year. Final payments are subject to providers meeting contractual reporting milestone obligations.

No funding from one year may be used for the purposes of activities undertaken in a previous or future funding year. Overpayments or unspent funding from a previous year may be offset against a subsequent year's entitlement instead of being recovered via invoice (see 'Financial Accountability' clause in the IEA).

Where a provider is in breach of the conditions of their Funding Agreement (i.e. the provider has failed to submit contractual reporting milestone obligations), payments under AFB and any other programs funded under the IETA Act may be withheld, at the discretion of the Departmental Delegate, until contractual reporting obligations are met (refer Non-fulfilment of conditions" and "Termination" clauses under the IEA).

Goods and Services Tax (GST)

Where GST is payable on a transaction between the Department and the funding recipient, GST will be provided in addition to the estimated or actual entitlement. The GST amount will be shown separately on any relevant documentation (i.e. a Recipient Created Tax Invoice (RCTI)). Where the IEA provides for RCTIs, providers must not issue tax invoices to the Department.

Providers are responsible for meeting their obligations under the *A New Tax System (Goods and Services Tax) Act 1999*. GST must be remitted to the Australian Taxation Office by providers as required.

Maintaining appropriate expenditure records

In accordance with the 'Accounts and Records' clause of the IEA, providers must keep full and accurate records for a minimum of seven years, relating to program operation, delivery and management. Providers must be able to present records relating to the operation, delivery and management of the AFB program to the Department and other persons, as specified in the IEA (see also 'Access to premises and Records' clause), upon request.

Reporting schedule

31 March: Estimated 'mixed-mode' AFB enrolment data.
Previous year's financial acquittal.
Previous year' performance report.

30 September: Actual 'mixed-mode' AFB enrolment data.

Estimated 'mixed-mode' AFB enrolments

Providers must submit estimated eligible FTE enrolment numbers in a form specified by the Department no later than 31 March of each calendar year.

When reporting estimated enrolment data, providers must specify the estimated study load to be undertaken by each student in the calendar year. The category of student and their associated study load must be reviewed and confirmed by providers when reporting actual enrolment data.

Financial acquittals

Providers must submit previous year financial acquittals in a form specified by the Department no later than 31 March of the following calendar year. Financial accountability requirements for these acquittals are outlined in Clause 11 – Financial Accountability of the IEA.

Audit certificates for financial acquittals must be signed by the relevant delegates within a funded institution.

For non-government VET providers:

- the IEP funding recipient certification must be signed by the Chief Executive Officer (CEO), or equivalent; and
- the auditor/accountant (non-government) certification must be completed by an appropriately qualified external auditor/accountant.

For government providers:

- the IEP funding recipient certification must be signed by the Vice Chancellor (VC), or equivalent delegate; and
- where an institution is subject to audit by an Auditor-General, a government certification can be signed in lieu of the non-government certification. The authorised person (government) certification must be completed by the senior executive employed by the institution, who has primary responsibility for managing its audit functions (refer Clause 11.6 - 'Financial Accountability' clause in the IEA).

For both VET and higher education providers, financial acquittals must be original versions. Financial acquittals will not be accepted by the Department if there are any alterations. In such instances, financial acquittals will be returned to the provider to submit an unaltered original version.

All financial acquittals are to be initialled on all relevant pages by both the auditor/accountant and the appropriate IEP funding recipient delegate.

Performance reporting

Performance targets for the 'mixed-mode' AFB program will be negotiated by the Department, in consultation with the provider, on a calendar year basis.

Providers must submit previous year performance reports, in a form specified by the Department, no later than 31 March of the following calendar year, or at a time specified in the IEA or agreed to by the Department.

Where performance outcomes against agreed targets are deemed to be unsatisfactory by the Department, providers must provide an explanation for why targets were not met.

Assets

Assets purchased with AFB funding remain the property of the provider while they continue to be used for AFB purposes. If an asset ceases to be used for AFB purposes, the Department may require that the asset be transferred to another organisation involved in the delivery of Indigenous education.

The provider is responsible for insuring assets and maintaining them in good order.

Assets register

For the purposes of the 'mixed-mode' AFB program, 'assets' are items which:

- cost \$5,000 or more;
- are portable and attractive in nature (e.g. digital cameras, printers); and
- are purchased substantially using AFB funding (i.e. AFB funds accounted for more than 50% of purchase price).

These assets must not be sold, leased, disposed of or otherwise dealt with without the Department's prior written consent. Details from the assets register must be reported with the annual financial acquittal.

AFB funding may not be used to purchase capital or consumable assets except as described in Administration Costs.

Indigenous Tutorial Assistance Scheme – Tertiary Tuition (ITAS-TT)

The ITAS TT program provides funding for supplementary tuition to support eligible Indigenous students studying university award level courses and Australian Qualifications Framework accredited vocational education and training courses at eligible ITAS funded institutions. Tuition is managed by Education Providers and is available only for subjects in a formal education program. It is not usually available for basic literacy, numeracy, enabling and bridging courses.

In addition to this Chapter:

- *Part 1* of these Guidelines provides an overview of the full range of Indigenous Education and Training Program objectives and information.
- *Part 2* of these Guidelines provides details of the range of Standard Conditions, which should be read in conjunction with this Chapter regarding ITAS-TT.

Goals

ITAS is intended to accelerate educational outcomes for Indigenous Australians beyond those which could reasonably be expected from mainstream and the provider's own source funding alone.

ITAS TT aims to improve the educational outcomes of Indigenous students in tertiary courses to the same levels as those for non-Indigenous Australians.

ITAS TT represents supplementary assistance. It is intended to supplement normal teaching resources and cannot be used to substitute or replace them.

Eligibility

The higher education providers listed under Table A Universities listed under s16.1 of the *Higher Education Support Act 2003 (HESA)* are eligible for funding under ITAS TT.

From 2009 ITAS TT funding for government providers delivering vocational education and training to Indigenous students has been discontinued. This funding has been rolled into base funding to states and territories under the National Agreement for Skills and Workforce Development.

Only non-government higher education providers which received ITAS TT funding for their VET enrolments in 2008 will continue to be eligible for funding for their eligible Indigenous VET enrolments from 2009. Higher education providers which did not receive ITAS TT funding in 2005 -2008 are ineligible for funding for their Indigenous VET enrolments.

There is no application for funding and eligible higher education providers may be offered a Funding Agreement by the Department. New higher education providers which meet the relevant eligibility criteria may be offered Funding Agreements once their eligibility is confirmed and funding is approved by the Department.

Enabling Courses

ITAS funding is not usually available to assist students enrolled in enabling courses. This applies in particular to programs that aim to provide academic preparation or to improve the academic skills required for students to succeed in higher education.

The Australian Government provides funding through the Indigenous Support Program to assist universities with this type of Indigenous support activity, which would include assistance in developing study skills, personal counselling and cultural awareness activities etc. Information regarding the Indigenous Support Program can be found at <http://www.comlaw.gov.au/Details/F2012L00281>.

ITAS-TT is available to assist students enrolled in enabling courses which seek to develop academic skills, but only in respect of units of study for which they will gain credit towards a formal award level course, and in which they are enrolled as part of their enabling program. In these cases ITAS is available in respect of such units on the same basis as students enrolled in award courses.

Enabling programs that seek to specifically develop the students' academic subject knowledge to the level required for admission into undergraduate programs (such as physics for entry into an engineering or science program) are eligible for funding support through ITAS TT. Institutions providing an enabling course for entry into post graduate studies must seek prior written approval from the Department before ITAS-TT funding can be used.

It is expected that institutions which establish enabling programs will provide the level of resources required for the successful operation of those programs. Support under ITAS is not available to make up for any shortfall in resources provided by Institutions.

Funding Agreements

Funding Agreements are contracts between the Australian Government, as represented by the Department, and the Education Provider for the delivery of ITAS TT.

The Department will negotiate Funding Agreements with eligible higher education providers. Funding Agreements are legally binding contracts for the delivery of ITAS TT to eligible Indigenous students enrolled with the provider.

Funding

Availability of ITAS funding cannot be anticipated by either institutions or students. Students should not be approved to receive tutorial support unless and until an education assessment of their need has been completed.

Students without the necessary prerequisite skills must not be enrolled in formal courses on the assumption that ITAS will be available to develop those skills. Where ITAS is sought by students enrolled in bridging courses to assist with basic literacy and numeracy problems, written approval must be obtained from the Department before tuition commences.

Other assistance

Higher education providers are responsible for using their own funding and recurrent funding from the Australian Government to meet the needs of enrolled Indigenous students. Students should contact the Education Provider to enquire about other available assistance.

Full-time equivalent student numbers

The Department will offer a Funding Agreement to eligible higher education providers based on their eligible Indigenous student enrolments.

Eligible Indigenous student enrolments are defined as:

- Equivalent Full-Time Student Load (EFTSL) for Indigenous students enrolled and studying at an eligible higher education institution; and
- Full-Time Equivalent (FTE) enrolment of Indigenous students enrolled and studying at an eligible VET institution.

The EFTSL and FTE reported in the relevant national data collection in the year prior to the funding year are used to determine current year entitlements.

Students seeking to access tutorial assistance should contact the Indigenous Student Support Unit or Indigenous Education Centre within funded institutions.

Determining funding levels

The Department uses the formulas set out in the Funding Formula sections below to distribute the available funding equitably.

Providers do not need to provide tuition according to these formulas, but must adhere to the tuition limits of up to the weekly limit of tuition hours per eligible student in either one-on-one or small group tuition.

Providers pay engaged tutors at an agreed rate determined by the institution which takes account of the experience and qualifications of the tutor and applicable industrial arrangements.

Funding formula - Higher Education

The formula provides funding to eligible higher education providers on the basis that half of the eligible Indigenous student enrolments undertaking higher education may require supplementary tuition with:

- 70% receiving one-on-one tuition; and
- 30% receiving tuition in groups of 4 students.

(Half EFTSL x 0.7 x 34 weeks x 3 hours x one-on-one tuition rate) +
((Half EFTSL x 0.3 x 34 weeks x 3 hours x group tuition rate) / 4)

In addition to the program funding entitlements calculated under this formula, an additional amount of 15% is included with payments to assist in meeting administration costs.

Funding formula - Vocational Education and Training

The formula distributes funding to eligible non-government higher education providers on the basis of 20% of the Eligible Indigenous student enrolments undertaking VET may require supplementary tuition with:

- 30% receiving one-on-one tuition; and

- 70% receiving tuition in small groups of 4 students.

$(0.2 \times \text{EFT student numbers} \times 0.3 \times 34 \text{ weeks} \times 2 \text{ hours} \times \text{one-on-one tuition rate}) +$
 $(0.2 \times \text{EFT student numbers} \times 0.7 \times 34 \text{ weeks} \times 2 \text{ hours} \times \text{group tuition rate}) / 4$

In addition to the program funding entitlements calculated under this formula, an additional amount of 15% is included with payments to assist in meeting administration costs.

Tuition rates

The tuition rates (as at 1 January 2013) used to calculate funding are:

Provider	One-on-one tuition rate	Group tuition rate
Higher education	\$40.39	\$47.53
Vocational education and training	\$32.08	\$36.83

A Wage Cost Index No. 1 (WCI1) may be applied to the per capita payments from time to time, as advised by the Australian Government Treasury.

Increase in student numbers

Funding calculations based on current year eligible Indigenous student enrolments may be considered where:

- there has been a substantial increase in Indigenous student enrolments; and
- the provider can demonstrate that the use of prior year EFTSL / FTE will cause severe financial hardship.

Other factors, such as previous year expenditure patterns, may also be taken into consideration. Applications must be made in writing and sent to itpt@innovation.gov.au.

Administration of funding

Providers must manage the funds provided to ensure that students most in need of the assistance receive supplementary tuition in the most efficient manner.

Expenditure on supplementary tuition in excess of the available ITAS TT funding is the responsibility of the institution and cannot be recovered from funding in subsequent years.

ITAS TT funding may not be used to purchase capital or consumable assets except as described in Administration Costs.

Payments to tutors

ITAS TT funding is provided to meet the costs of engaging tutors to deliver supplementary tuition to eligible Indigenous students.

Providers pay engaged tutors at an agreed rate determined by the institution which takes account of the experience and qualifications of the tutor and applicable industrial arrangements.

Funds may be used for contractor payments, Pay As You Go taxation deductions and superannuation contributions of engaged tutors.

Independent assessor

In exceptional circumstances only, providers may engage independent assessors to assess a student's educational needs. The assessor may be paid from ITAS TT funding for a maximum of two hours at the appropriate tutor rates as set by the institution.

Travel to tuition

Providers may reimburse some transport costs of students or tutors in non-metropolitan areas who are required to travel more than 20 kilometres each way to attend a tutorial session. The maximum reimbursement which may be made is the lesser amount of:

- 60 cents per kilometre travelled after the first 40 kilometres, for the round trip by private car; or
- the cheapest mode of public transport available.

Providers may not reimburse travel costs of students attending residential schools, field trips, end of semester travel or tutor travel for employment other than ITAS tuition.

Overnight travel

Providers may reimburse the legitimate overnight travel costs of students or tutors in non-metropolitan areas only, who are required to stay away from their usual place of residence overnight, to attend a tutorial session. The provider may reimburse the actual cost of this accommodation, including an evening meal and breakfast, up to a maximum of the lowest equivalent rate of accommodation and meal allowance provided to APS Level the Department staff. These rates may be updated from time to time and are available from the Department on request. Claims must be supported by receipts.

Providers may not reimburse travel costs of students for attending residential schools, field trips, end of semester travel or tutor travel for employment other than ITAS Tuition.

Materials and equipment

Providers may, in exceptional circumstances only, reimburse up to \$50 (including GST) per year in total for essential materials and equipment to supplement a student's tuition. These materials must not be prescribed text books or course materials. These materials and equipment remain the property of the student. It is essential that receipts be provided to the institution to support any claims for reimbursement.

Payments

There are two payments scheduled to be made in each year of the funding period. The Department will make payments to providers as specified in the Funding Agreement and subject to our acceptance of all required reports and actions falling due prior to that payment, including satisfactory submission of Performance Reports and Financial Acquittals by the due date for prior funding years.

Where a provider is in breach of the conditions of the Funding Agreement (e.g. has failed to submit mandatory milestone reports), payments under this and all other agreements made under the *Indigenous Education (Targeted Assistance) Act 2000* may be withheld until compliance is achieved by the provider.

The first payment will usually be made within 28 days of the Funding Agreement being executed by the Department.

First payment

EFTSL data reported by providers in the most recently published Higher Education Statistical Collection will be used to calculate estimated entitlements for ITAS TT at the start of the funding year.

Payments will be made by the Department as specified in the Funding Agreement.

The first payment for each Funding Year will usually be made by 31 January of the Funding Year, provided the Department has accepted the mid-year (unaudited) detailed statement of income and expenditure which is due by 31 August of the year prior to the Funding Year.

The first payment will be 50% of the ITAS TT preliminary entitlement for the Funding Year.

Second payment

The balance payment will be made following receipt and acceptance by the Department of the Performance Report (due 31 March) and Financial Acquittal (due 31 March) for the previous Funding Year.

The balance payment will be adjusted to reflect any approval of an increase in student numbers, and the EFTSL data reported through the Higher Education Statistical Collection in the funding year. The second payment is calculated as:

- the final ITAS TT entitlement for the Funding Year; minus
- the first payment for the Funding Year; minus
- any amount repayable to the Department from a prior Funding Year.

Goods and Services Tax (GST)

Where GST is payable on the transaction between the Department and the funding recipient, the Department will increase the total funding for providers to cover the GST amount. The amount will be shown separately in the Funding Agreement and on any Recipient Created Tax Invoice (RCTI) which the Department issues to the provider. Where the Funding Agreement provides for RCTI's, providers must not issue tax invoices to the Department. Where an adjustment is made to a payment and corresponding GST, the Department will issue a Recipient Created Tax Adjustment Notice to providers.

Providers are responsible for meeting their obligations under the *A New Tax System (Goods and Services Tax) Act 1999*.

Managing funds

ITAS TT funding must be managed by either being:

- placed in a specific bank account used only for ITAS TT purposes, with the name of the account to include the acronym 'ITAS TT'; or
- managed through an accounting system which is recognised by the provider's independent auditor as suitable for separately identifying all ITAS TT funding and expenditure.

Administration costs

Administration costs refer to costs directly associated with delivering the ITAS-TT program. Examples of allowable administration costs include, but are not limited to:

- contributions towards the salary of provider staff administering ITAS TT;
- up to \$1,000 (GST inclusive) for an annual audit; and
- stationery, forms, postage, telephone, computer facilities and associated consumable items required for the administration of the program.

The following formula is used to calculate your administration entitlement in any given funding year:

$$\text{ITAS-TT Administration Entitlement} = \frac{\text{Funding Entitlement} \times 0.15}{1.15}$$

Delivering ITAS Tertiary Tuition

Providers are contracted to deliver supplementary tuition to their eligible Indigenous students in the most cost-efficient manner within the funding entitlement. This includes:

- determining student eligibility for ITAS TT;
- recruiting tutors who are qualified or otherwise capable to provide the required tuition;
- matching students and their learning needs with suitable tutors;
- developing tuition programs to ensure tuition is appropriate to students' needs;
- monitoring and overseeing tuition delivery;
- maintaining student and tutor records and files;
- making appropriate tutor and student payments;
- assessing tuition provided for effectiveness;
- informing students and tutors that their personal information may be passed on to the Department for the purpose of monitoring and evaluating the program; and
- providing performance reports and financial acquittals.

Providers' responsibilities when recruiting tutors

The provider is responsible for the recruitment and payment of tutors and must ensure that:

- The tutor is qualified or otherwise capable of delivering the required tuition.
- All ITAS tutors who work with minors have undertaken an Australian Federal Police (AFP) National Criminal History Record Check (NCHRC) and have been cleared to work with minors, before the provider approves a tutoring arrangement with a minor. The NCHRC results will be returned to the provider who must identify those results which show an adverse result. The provider must refer adverse checks to the Department for a decision as to whether the person with the adverse check can be

approved as an ITAS tutor for further information on this issue please refer to Part 1 of these Guidelines.

- It complies with any relevant State legislation relating to working with minors and child protection.
- The tutor is an appropriate person to conduct the tutorial services. Providers are responsible for complying with all applicable State or Territory child protection legislation in relation to engaging tutors.
- The person understands and is culturally sensitive to the needs of Indigenous students:
 - Where possible, appropriately trained Indigenous tutors are preferred.
 - The provider may use program funding to pay a tutor for up to two hours to attend a cultural awareness training course. This would be a once-only payment for a tutor and would be made in exceptional circumstances only. Other costs of delivering cultural awareness training to tutors may be met through the administrative component of funding.
- There is no conflict of interest in using the person.
 - Except in remote locations where there is no other option, the ITAS tutor must not be a family member of the student. Staff of the funded institution (e.g. lecturers, tutors) and Indigenous Education Workers cannot provide tuition during any period for which they are already receiving salary.
- Funding is provided to meet the costs of engaging tutors to deliver tuition, such as contractor payments, Pay As You Go taxation deductions and superannuation contributions of engaged tutors.

Tertiary students as tutors

Where it is proposed to use another tertiary student as a tutor the proposed tutor must be:

- studying a major sequence of units in the subject area in which the student needs tutoring;
- at least two academic years ahead of the student (i.e. 1st or 2nd year students cannot be approved as ITAS tutors for university students);
- able to show evidence of sound academic progress;
- not themselves receiving or having received ITAS tuition in that subject area; and
- not excluded by a conflict of interest.

The funded institution sets the pay rates for ITAS tutors according to the qualifications of the tutors and the institution's pay scales and workplace agreements.

Work Programs

All tutors are responsible for:

- completing a work program no more than two weeks after tuition commences;
- placing the work program on the student's file; and

- developing work programs in consultation with the student, and according to needs identified in the educational assessment.

The student must endorse the work program which must also be approved by the coordinator of the ITAS program at the funded institution.

Tuition delivery

Providers must ensure that tuition is delivered according to the work program and that tuition meets students' educational needs.

ITAS is not available for subjects outside the student's formal educational or structured training program.

Providers may, in some instances, wish to use small group tuition rather than individual tuition, to provide more effective use of funds. However, the tuition must be appropriate to the needs of all students in the group.

Assessment of students' needs for tuition should be provided by the subject lecturer or course coordinator where practicable, or other appropriate staff of the institution. In exceptional circumstances, an independent assessor may be engaged to provide the assessment.

The assessment must give details of the academic problem which is preventing the student from achieving satisfactorily in the unit of the course for which ITAS tuition is requested. The assessment must be kept on the student's ITAS file.

A student may be determined to be in need of tuition if they:

- are failing the course/subject and the lecturer believes that the student's performance would be improved through additional tuition;
- was just passing the course and the lecturer believes that the student's performance would be improved through additional tuition;
- was previously performing satisfactorily but is having difficulties with a new component of the course and is in danger of failing or falling behind, in which case tuition would be short-term; or
- require tutorial assistance to achieve an academic level or ranking required to proceed to a subsequent stage or course of study.

The student's tutor or potential tutor must not provide the assessment.

ITAS TT may not take place during the hours of scheduled lectures, classes or tutorials.

Tutors' responsibilities

Towards the end of the tuition period, the student and his/her lecturer/tutor (not the ITAS tutor) must complete a tuition assessment to provide feedback to the provider and the Department about the effectiveness of the tuition. This report must be kept on the student's file. Comments from different perspectives help ensure that the assessment is a fair indication of the services provided by the tutor.

Prospective ITAS tutors must:

- Be qualified, either through formal education or relevant experience, to be eligible to deliver tutoring under ITAS TT.
 - If the prospective tutor is formally qualified, they must produce certified copies of their qualifications and copies of all documentation must be retained on the tutor's file.
 - If the prospective tutor is not formally qualified, they must produce suitable written references to establish whether they are able to provide an appropriate standard of tuition in the subject area.
- Wherever possible, suitably qualified Indigenous people should be selected as ITAS tutors. Tutors must be sensitive to, and able to relate to, the educational needs of Indigenous students.
- Not be members of the student's immediate or de facto family and not be the student's usual class or subject teacher, lecturer or tutor. Each student/tutor arrangement must be examined by the provider for potential conflict before approval is given.

Independent assessors engaged by providers to assess the educational needs of the student for the purpose of determining eligibility for ITAS, can be paid for a maximum of two hours at the appropriate tutor rates which the institution sets.

Student eligibility

ITAS TT may be approved:

- for Australian Aboriginal and Torres Strait Islander students who are enrolled in a university award level course or Australian Qualification Framework accredited Vocational Education and Training course at an eligible ITAS funded institution, or accepted for enrolment in a course which commences within one month of the date of application for funding;
- for an eligible student's formal course of study;
- for up to 2 hours per week per subject (or assessed equivalent subject) and up to 5 additional hours in total during examination preparation breaks; and
- in accordance with a Funding Agreement between the Department and an Education Provider.

Where tutorial support in excess of 2 hours per week per subject is sought for subjects carrying a heavier academic load, a submission outlining the situation for special consideration and approval should be made to the Director ITPT.

In exceptional circumstances only, a provider can aggregate the maximum weekly approved assistance over a month to allow flexibility to meet the needs of certain students requiring more than the additional five hours to prepare for examinations. Such circumstances must be documented on a student's tuition file.

Postgraduate students should have developed appropriate skills in literacy, numeracy, academic writing and research prior to their admission into a postgraduate program.

Therefore, applications for ITAS assistance from postgraduate students may be approved in exceptional circumstances only, which must be documented and filed on the student's file. Short-term assistance in specific subject matter may be appropriate if the student has not previously studied the subject.

Tuition Programs

Providers should ensure that tutors have the opportunity to work with students' lecturers to plan the details of a tuition program tailored to the specific educational needs of each student.

Payments to Tutors

Providers are responsible for paying tutors for tuition according to agreed employment arrangements, including relevant State or Territory awards and conditions. The Department does not set the rate at which tutors are to be paid. As part of its overseeing role, the provider is responsible for determining whether tutor claims for payment are correct and appropriate.

Before an approval and the subsequent payment of tutor claims can be made, providers must ensure that:

- the hours per week, period and hourly rate are consistent with those agreed between the institution and the tutor;
- all tutor and student details are consistent with those originally stated;
- the number of hours of tuition per week is the same as those agreed between the institution and the tutor, and if not, a variation has been approved;
- the claim has been countersigned by the student;
- checks have been made to ensure that payments have not been duplicated;
- the tutor has signed the claim;
- a work program has been approved; and
- a progress report has been provided for any previous contract arrangement with this student.

Assessing Tuition

Providers should maintain on going assessment of tuition effectiveness to:

- change or terminate ineffective tuition arrangements, when necessary; and
- report on the effectiveness of tuition to the Department.

Providers must maintain a separate student file for each student seeking ITAS assistance. At a minimum it must contain:

- a copy of the student's proof of enrolment;
- the institution's academic assessment of the application; and

- a copy of the signed letter of approval to the student outlining the tutor's name, the subjects for which tuition will be provided, the maximum hours per week approved for each subject, and period of tuition (or if tuition has not been approved, a copy of the signed letter outlining the reasons why the student's application was not approved or is pending).

A separate tutor file must also be maintained for each ITAS tutor. At a minimum each tutor file must contain:

- a certified copy of proof of identity, e.g. photo, licence, passport;
- a certified copy of the tutor's qualifications;
- a certified copy of the National Criminal History Record Check and State Working with Children checks; and
- a signed copy of the letter of approval outlining:
 - the student's name;
 - subjects for which tuition will be provided;
 - maximum hours per week approved for each subject;
 - indication of whether the tuition is individual or group, period of tuition; and
 - hourly rate of pay.

Monitoring and reporting

All providers are required to comply with monitoring arrangements, as outlined in the Funding Agreement.

Such arrangements are aimed at ensuring that the provider receives adequate Department support and that funds are used in the most efficient and effective manner to achieve positive outcomes for Indigenous students.

Reports and acquittals

Providers are contractually obliged to meet the following reporting requirements:

- a progress report and statement of income and expenditure; and
- a performance report and audited financial acquittal.

Progress report

A progress report comprising an unaudited statement of income and expenditure and a qualitative report is due by 31 August of the funding year, or on request by the Department.

The statement of income and expenditure must clearly identify the expenditure of funds committed for expenditure from a previous year and carried forward into the current year. Previously committed funds which were not spent will be deducted from the second semester payment.

The qualitative report is a short statement detailing the following:

- a description of the effectiveness of the ITAS program especially in relation to the following indicators:
 - tutor effectiveness;
 - successful strategies that have a positive impact on students' learning; and
 - course and unit completion rates of Aboriginal and Torres Strait Islander students at the institution.

Payments for subsequent years cannot be released until the progress report and mid-year statement of income and expenditure have been returned.

Performance report

A performance report is required by 31 March of the year following the funding year.

The performance report includes information about student outcomes under the tuition program, including performance data against the reporting requirement as set out in the Funding Agreement.

No further ITAS TT funding will be approved until an acceptable performance report and financial acquittal are submitted. The performance report must include:

- the total number of students who received ITAS tuition by gender;
- the total number of ITAS tutors who delivered ITAS tuition;
- the total number of hours of ITAS tuition delivered by individual tuition;
- the total number of hours of ITAS tuition delivered by group tuition;
- the fields of study in which ITAS tuition was delivered by hours; and
- the aggregated academic results (pass, fail, withdrew, deferred) of students who received ITAS tuition.

Financial audit statement

Audit statements must be prepared by an independent person qualified to provide the audit statement and must:

- certify that the financial acquittal is true and fair;
- include a statement of the balance of the provider's ITAS TT accounts;
- specify that the funds were only expended in accordance with the terms of the Funding Agreement; and
- include a copy of the assets register for those reportable assets (see below for further information)

Financial acquittal

Providers must acquit all ITAS TT funding received in the funding year by 31 March of the year following the funding year. Financial accountability requirements for these acquittals are outlined in the Funding Agreement.

A financial statement and acquittal are required at the end of the agreement period, and for each year of longer Funding Agreements, to ensure that the funding for that funding year have been expended effectively in achieving the outcomes for which it was provided.

Providers must send to the Department:

- a certificate from the provider's Chief Executive Officer, chief internal auditor or board member, certifying that all funding received was expended or committed for purposes specified in the Funding Agreement;
- an audited detailed statement of income and expenditure for the funding year, which must include a definitive statement as to whether the financial accounts are true and fair, and a statement of the balance of the providers account; and
- an audit statement that the funding has been spent (or committed to be spent) in the funding year for the purposes specified in the agreement.

Unspent and uncommitted funds

All unspent and uncommitted ITAS TT funds remaining at 31 December of a funding year must be repaid to the Department, unless the Department gives written approval that they may be carried forward for use in the following funding year. In these cases an amount equivalent to the amount of the unexpended and un-acquitted funding will be recovered as a deduction from subsequent year entitlements.

Providers may write to the Department before 31 March of the year following the funding year seeking approval to carry forward unspent funds; however approval may be given in exceptional circumstances only.

Conflict of interest

A conflict of interest arises when a person involved in determining ITAS services (an institution staff member, a tutor etc) is in a position to benefit directly or indirectly from the services. A conflict of interest can also arise when the person's fidelity, objectivity or fairness in performing the services is at risk due to a personal interest or a third party arrangement.

Potential conflicts of interest may include situations where a staff member:

- is a member of the same family as a student or tutor;
- is a close friend of a student;
- has a business interest with a student or tutor; or
- is a student applying for ITAS.

Other conflicts of interest may arise where a student and proposed tutor are members of the same family, or any other circumstance that compromises the professional integrity of staff, tutor or students.

Staff members of the institution must not be involved in processes where there is a potential conflict of interest. When in doubt, advice should be sought in writing from the Director at itpt@innovation.gov.au.

Under no circumstances can an employee of the Department (including those on approved leave) be offered an agreement or payment under ITAS, either as a tutor or an administrative officer. Employees of the Department may receive tuition as a student approved to receive ITAS assistance.

Assets

Assets purchased with ITAS-TT funding remain the property of the provider while they continue to be used for ITAS-TT purposes. If an asset ceases to be used for ITAS-TT purposes, the Department may require that the asset be transferred to another organisation involved in the delivery of Indigenous education.

The provider is responsible for insuring assets and maintaining them in good order.

Assets register

For the purposes of the ITAS-TT program, 'assets' are items which:

- cost \$5,000 or more;
- are portable and attractive in nature (e.g. digital cameras, printers); and
- are purchased substantially using 'ITAS-TT funding (i.e. ITAS-TT funds accounted for more than 50% of purchase price).

These assets must not be sold, leased, disposed of or otherwise dealt with without the Department's prior written consent. Details from the assets register must be reported with the annual financial acquittal.

ITAS-TT funding may not be used to purchase capital or consumable assets except as described in Administration Costs.

Indigenous Tutorial Assistance Scheme – Vocational Education and Training Tuition (ITAS-VET)

The ITAS VET program provides funding for supplementary tutorial assistance to support Indigenous students enrolled and undertaking VET courses leading to the attainment of Certificate Level III or above at eligible VET institutions.

ITAS VET targets students enrolled with eligible VET institutions, including students completing a new apprenticeship or traineeship.

Eligible students may receive up to 2 hours tuition per week for up to 34 weeks in an academic year.

In addition to this Chapter:

- *Part 1* of these Guidelines provides an overview of the full range of Indigenous Education and Training Program objectives and information.
- *Part 2* of these Guidelines provides details of the range of Standard Conditions, which should be read in conjunction with this Chapter regarding ITAS-VET.

Goals

ITAS VET is intended to accelerate educational outcomes for Indigenous Australians beyond those which could reasonably be expected from mainstream and the provider's own source funding alone.

ITAS VET aims to improve the educational outcomes of Indigenous students in VET courses to the same levels as those of for non-Indigenous Australians.

ITAS VET aims to increase VET module and course completion rates, and encourage Indigenous students to complete courses at the Australian Qualifications Framework (AQF) Certificate III and IV levels as well as Diploma and higher levels of study.

ITAS VET represents supplementary assistance. It is intended to normal supplement normal teaching resources and cannot be used to substitute or replace them.

Eligibility

From 2009, ITAS VET funding for government providers delivering vocational education and training to Indigenous students has been discontinued. This funding has been rolled into base funding to states and territories under the National Agreement for Skills and Workforce Development.

Only non-government VET institutions will continue to be eligible for funding for their eligible Indigenous VET enrolments from 2009.

Eligible VET institutions may apply for funding under the ITAS VET program.

New providers which meet the relevant eligibility criteria can only be offered a Funding Agreement following submission of an application which establishes its eligibility and approval by the Department.

ITAS VET may be approved for:

- Indigenous students who are enrolled in a formal VET course or structured training program leading to the attainment of a Certificate Level III or above qualification; and
- in accordance with a Funding Agreement between the Department and an eligible VET Institution.

Students may be assisted whilst studying units for a Certificate I or II qualification, only if those units are being undertaken as prerequisite work and are part of a course of study leading to the attainment of a Certificate Level III or above qualification.

VET providers applying for tuition for students enrolled in Certificate Level I or II will be required to submit evidence to the Department that the course or unit is prerequisite work, and part of a course of study that leads to the attainment of a Certificate Level III or above qualification. The evidence submitted must be in the form of information provided within nationally endorsed Training Packages on qualification, pathways and articulation arrangements or an accreditation submission for any State accredited courses. It is the applicant's responsibility to ensure that evidence is provided and tuition will not be approved if the required information is not provided.

All non-government VET providers which are eligible for IEP Supplementary Recurrent Assistance (SRA) are encouraged to apply for funding through ITAS VET to support their Indigenous students.

For the purposes of the ITAS-VET program, government VET institutions are not eligible for ITAS VET from 2009, as this funding has been rolled into base funding to states and territories under the National Agreement for Skills and Workforce Development. This funding is now managed by, or on behalf of, a state or territory (usually represented by departments, such as Departments of Education and Training).

In addition, a non-government VET institution

- a) is not conducted by, or on behalf of, the government of a state or territory;
- b) is a registered training organisation (within the meaning of the National Vocational Education and Training Regulator Act 2011); and
- c) provides VET courses (within the meaning of that Act); and
- d) is not conducted for profit.

Minimum enrolments

Providers must have a minimum Indigenous enrolment of 20 FTE students in each funding year to remain eligible for ITAS VET.

Funding

The provision of ITAS VET assistance is also dependent upon the student's eligibility and the availability of funds. It is expected that providers will prioritise the availability of tutorial support to ensure that those students in greatest need are assisted.

Indigenous school students who are undertaking a VET course are not eligible for ITAS VET as funding to support those students is provided to schools under the relevant funding arrangements for schooling. These students should seek tutorial assistance through their Education Provider.

Other assistance

The Australian Government along with State and Territory governments provide recurrent mainstream and Indigenous specific funding to education and training systems to help accelerate improved educational outcomes.

ITAS VET like other targeted initiatives described in these Guidelines is intended to provide a concerted supplementary intervention at particular education focus points. Eligible non-government VET providers are responsible for using their own funding, along with both mainstream and Indigenous specific recurrent funding provided by governments, to meet the needs of their eligible Indigenous students.

Applications for ITAS-VET funding

VET providers complete a formal funding application for ITAS VET, which can be requested through the Indigenous Tertiary Programs Team mailbox: itpt@innovation.gov.au. Funding applications must outline:

- the number of Indigenous students who are enrolled in a formal VET course or structured training program leading to the attainment of a Certificate Level III or above qualification;
- the educational needs of the students; and
- specific details about how tuition will be delivered by the provider.

Students who are enrolled in a course of study that will lead to attainment of a Certificate Level III or above qualification are eligible for ITAS VET. Students may also be assisted whilst studying units for a Certificate I or II qualification, only if those units are being undertaken as prerequisite work, and are part of a course of study leading to the attainment of a Certificate Level III or above qualification.

Note: VET providers applying for tuition for students enrolled in Certificate Level I or II, must submit evidence that the course or unit is prerequisite work, and part of a course of study that will lead to the attainment of a Certificate Level III or above qualification.

Providers are encouraged to submit funding applications as soon as possible after each academic year commences to allow students to benefit from supplementary tuition from the beginning of the academic year. Funding applications can be submitted at any time but payments may be made on a pro rata basis. Providers which received ITAS VET in 2008 are not required to submit a new application in 2009, unless there has been a change of circumstances and they need to re-establish their eligibility. The application for funding forms the basis for negotiations for the proposed ITAS VET program. Funding conditions are set out in these guidelines and the Funding Agreement as applicable. The application for funding for ITAS VET can be obtained from the Department.

Applicants are advised to read the relevant sections of the *Indigenous Education (Targeted Assistance) Act 2000* Program Guidelines 2009 to 2013 before submitting an application.

Assessing applications

Negotiations and decisions about ITAS VET applications are managed by the Indigenous Tertiary Programs Team.

Applications will be funded according to eligibility and ITAS VET budget capacity.

Funding Agreements

Funding Agreements are contracts between the Commonwealth, as represented by the Department, and the relevant Education Provider for the delivery of ITAS VET. The Department will negotiate funding agreements with eligible VET institutions once their application for funding has been accepted and approved.

Funding Agreements are legally binding contracts for the delivery of ITAS VET to eligible Indigenous students enrolled with the provider. The agreement for ITAS VET will normally form a schedule to an eligible institution's existing Funding Agreement.

Funding calculation

The Department uses the formula set out below to distribute the available funding equitably.

Providers do not need to provide tuition according to this formula, but must adhere to the tuition limits of up to 2 hours of tuition per week per eligible student for up to 34 weeks in an academic year in either one-on-one or small group tuition.

Providers may pay engaged tutors at an agreed rate determined by the institution which takes account of the experience and qualifications of the tutor and applicable industrial arrangements.

As funding for ITAS VET is limited, the Department may offer providers ITAS VET funding at a level lower than that determined using the formula where demand for assistance exceeds the available budget.

Funded students

Subject to available funding, the Department will calculate ITAS VET entitlements based on the number of FTE enrolments of eligible Indigenous students reported by a provider in the National Centre for Vocational Education Research (NCVER) Provider Data Collection.

Funding formula

The formula distributes funding to eligible non-government VET institutions on the basis that 20 % of the eligible Indigenous FTE enrolments undertaking VET may require supplementary tuition with:

- 30 per cent receiving one-on-one tuition
- 70 per cent receiving tuition in small groups of 4 students:

$(0.2 \times \text{FTE student numbers} \times 0.3 \times 34 \text{ (weeks)} \times 2 \text{ (hours)} \times \text{one-on-one tuition rate}) +$
 $(0.2 \times \text{FTE student numbers} \times 0.7 \times 34 \text{ (weeks)} \times 2 \text{ (hours)} \times \text{group tuition rate}) / 4$

In addition to the program funding entitlements calculated under this formula, an additional amount of 15% is included with payments to assist in meeting administration costs.

Tuition rates

The tuition rates (as at 1 January 2013) used to calculate funding are:

Provider	One-on-one tuition rate	Group tuition rate
Vocational education and training	\$32.08	\$36.83

A Wage Cost Index No. 1 (WCI1) may be applied to the per capita rates from time to time, as advised by the Australian Government Treasury.

First payments

FTE enrolment data reported by providers in the most recently published NCVET Provider Data Collection will be used to calculate preliminary (nominal) entitlements for ITAS VET.

Payments will be made by the Department as specified in the Funding Agreement.

The first payment of 50% will usually be made within 28 days of executing a new Funding Agreement, or by 1 February of the funding year for existing agreements.

Where a provider is in breach of the conditions of the Funding Agreement (e.g. has failed to submit mandatory milestone reports) payments in this and all other agreements made under the *Indigenous Education (Targeted Assistance) Act 2000* may be withheld until compliance is achieved by the provider. The first payment may be adjusted in response to significant changes in eligible student enrolments.

Eligible providers must submit a statutory declaration by 31 March of the funding year which sets out details of the number of eligible FTE enrolments based on eligible enrolments to be reported in the NCVET Provider Data collection in that funding year. Requests must be sent to itpt@innovation.gov.au.

Final entitlements will be determined on the basis of eligible FTE enrolments reported in the NCVET Provider Data Collection conducted in the relevant funding year.

Second payments

Balance payments for each year will usually be made within 28 days of the Department receiving and accepting a progress report, due by 31 July of the funding year. However payments will not be processed where the provider has an outstanding progress report, performance report or financial acquittal from a previous year(s).

The balance payment will be adjusted to reflect FTE student enrolment data reported through the NCVET Provider Data Collection in the funding year. The second payment will be:

- the revised allocation based on the more recent FTE student enrolment data for the funding year; minus
- the first payment for the funding year; minus

- any unspent or uncommitted funds from the previous year.

The balance payment may be delayed or withheld where the progress report indicates a significant level of funding from previous payment remains unspent and uncommitted as at 30 June of the funding year.

Payments in advance

ITAS VET payments may be made in advance to:

- allow providers to meet costs as they occur; and
- allow providers to deliver the requirements under the Funding Agreement.

Payments will be determined by the funding formula set out above. Payments may be varied to account for adjustments arising from the previous year's funding.

Goods and Services Tax (GST)

Where GST is payable on the transaction between the Department and the funding recipient, the Department will increase the total funding for providers to cover the GST amount. The amount will be shown separately in the Funding Agreement and on any Recipient Created Tax Invoice (RCTI) which the Department issues to the provider. Where the Funding Agreement provides for RCTI's, providers must not issue tax invoices to the Department. Where an adjustment is made to a payment and corresponding GST, the Department will issue a Recipient Created Tax Adjustment Notice to providers.

Providers are responsible for meeting their obligations under the *A New Tax System (Goods and Services Tax) Act 1999*.

Managing funds

ITAS VET funding must be spent on delivering supplementary tuition to eligible Indigenous students. The Department requires providers to report on the number of hours of tuition delivered and number of students who received tuition. Funding must be either:

- placed in a specific bank account used only for ITAS VET purposes, with the name of the account to include 'ITAS VET'; or
- managed through an accounting system which is recognised by the provider's independent auditor as suitable for readily identifying all ITAS VET funding and expenditure.

Administration of funding

Providers must manage the funds provided to ensure that students most in need of the assistance receive supplementary tuition in the most efficient manner.

Expenditure on supplementary tuition in excess of the available ITAS VET funding is the responsibility of the institution and cannot be recovered from funding in subsequent years.

ITAS VET funding is provided to meet the salary costs of engaged tutors to deliver tuition to eligible Indigenous students. Funds must not be used for purposes other than tutor payments, PAYG taxation deductions and compulsory superannuation contributions of engaged tutors.

ITAS VET funding may not be used to purchase capital or consumable assets, except as described in Administration costs below.

Administration costs

Administration costs refer to costs directly associated with delivering the ITAS-VET program. Examples of allowable administration costs include, but are not limited to:

- contributions towards the salary of provider staff administering ITAS VET;
- up to \$1,000 (GST inclusive) for an annual audit; and
- stationery, forms, postage, telephone, computer facilities and associated consumable items required for the administration of the program.

The following formula is used to calculate your administration entitlement in any given funding year:

$$\text{ITAS VET Administration Entitlement} = \frac{\text{Funding Entitlement} \times 0.15}{1.15}$$

Unspent or uncommitted funds

ITAS VET funding is provided for expenditure on tutorial support in the relevant funding/academic year. All unspent and uncommitted ITAS VET funds remaining at 31 December of a funding year must be repaid to the Australian Government unless the Department gives written approval that they may be carried forward to use in the following funding year.

Providers must write to the Department before 31 March of the year following the funding year seeking approval to carry forward unspent funds. Approval to carry forward funds from one funding year to the next will only be given in exceptional circumstances.

If unspent funds are not approved by the Department for carry forward, such unspent funds will be deducted from the provider's funding in the following year.

Delivering ITAS VET

VET providers which receive ITAS VET funding will be required to deliver tuition to their eligible Indigenous students in the most cost efficient manner within the funds allocated. This includes:

- undertaking an educational assessment of the student's learning needs determining student eligibility for ITAS VET;
- obtaining parental/caregiver consent for students under 16 years of age;
- recruiting tutors who are qualified or otherwise able to provide the required tuition;
- providing training and support to tutors;
- matching students and their learning needs with suitable tutors;
- developing Individual Work Plans to ensure tuition is appropriate to student's needs;
- monitoring and overseeing tuition delivery;
- maintaining student and tutor records and files;

- making appropriate tutor payments;
- assessing tuition for effectiveness;
- informing students and tutors that their personal information may be passed on to the Department for the purpose of monitoring and evaluating the programs; and
- providing progress reports, performance reports and financial acquittals.

Providers' responsibilities when recruiting tutors

Providers are responsible for all matters relating to the recruitment and payment of tutors and must ensure that:

- The tutor is qualified or otherwise capable of delivering the tuition to the required standard.
- All ITAS tutors who work with minors have undertaken an Australian Federal Police (AFP) National Criminal History Record Check (NCHRC) in accordance with the Working with Children policy and have been cleared to work with minors before the provider approves a tutoring arrangement with a minor. The NCHRC results will be returned to the provider who must identify those results which show an adverse result. The provider must refer adverse checks to the Department for a decision as to whether the person with the adverse check can be approved as a tutor. Further information on this issue can be found in Part 1 of these Guidelines.
- It complies with any relevant State/Territory legislation relating to working with minors and child protection.
- The tutor is an appropriate person to conduct the tutorial services. Providers are responsible for complying with all applicable State or Territory child protection legislation in relation to engaging tutors.
- The tutor understands and is culturally sensitive to the diverse needs of Indigenous students:
 - Where possible appropriately trained or experienced Indigenous tutors are preferred.
 - The provider may use program funding to pay a tutor for up to two hours to attend a cultural awareness training course. This would be a once-only payment for a tutor and would be made in exceptional circumstances only. Other costs of delivering cultural awareness training to tutors may be met through the administrative component of funding.
- There is no conflict of interest in using the tutor.
 - Except in remote locations where there is no option, the ITAS tutor must not be a family member of the student. Staff of the funded institution (e.g. lecturers, teachers etc) and Indigenous Education Workers cannot provide tuition during any period for which they are already receiving salary.

Funding is provided to meet the costs of engaging tutors to deliver tuition, such as contractor payments, Pay As You Go taxation deductions and superannuation contributions of engaged tutors.

Individual Work Plans

At the beginning of the tuition period, providers must ensure that:

- teachers/lecturers work with tutors to develop an Individual Work Plan to guide tutorial support; and
- the Individual Work Plan outlines the student's educational needs, describe appropriate tuition objectives and outlines strategies to meet those objectives.

All tutors are responsible for:

- completing an Individual Work Plan at the beginning of the tuition period;
- placing the Individual Work Plan on the student's file; and
- developing the Individual Work Plan in consultation with the student and their teachers/lecturers and according to their needs identified in the educational assessment.

The student must endorse the work program which must also be approved by the coordinator of the ITAS program at the funded institution.

Providers must retain Individual Work Plans for the Department monitoring visits.

Assessing the effectiveness of tuition

Providers must conduct ongoing assessment of the effectiveness of tuition against Individual Work Plans. Providers must:

- change or terminate ineffective tuition arrangements (where necessary);
- report on the effectiveness of tuition to the Department; and
- assess the performance of students receiving the tuition.

Tuition delivery

Providers must ensure that ITAS VET is delivered according to each student's Individual Work Plan and that tuition meets the student's educational needs. Providers are expected to provide whatever support is required for the tuition arrangements, including training and professional development for tutors. This may include Indigenous cultural training, if required.

Eligible students may receive up to 2 hours of tuition per week, for up to 34 weeks per academic year.

In some instances providers may wish to use group tuition rather than individual tuition, to provide more hours of tuition within the program limits specified above, and within available funds.

ITAS VET is available only for eligible students as described above.

Payments to tutors

Providers do not need to use the rates used for calculating ITAS VET funding entitlements. Providers are responsible for paying tutors for tuition according to the appropriate industrial arrangements, and for meeting all tutor superannuation and PAYG tax deduction requirements. As part of its overseeing role, the provider must ensure that tutor claims for payment are correct and appropriate.

Monitoring and reporting

All contracted providers are required to comply with the Department monitoring arrangements, as set out in the Funding Agreement.

The Department may conduct monitoring visits as required.

Monitoring arrangements are aimed at ensuring that the provider receives adequate support from the Department and that program funds are used in the most efficient and effective manner to achieve positive outcomes for Indigenous students.

The Department will conduct an analysis of performance reports, in the year following the tuition year.

Reports and acquittals

Providers are required to provide the following:

- a progress report;
- a performance report; and
- a financial acquittal of funds expended.

Progress report

A progress report comprising an unaudited statement of income and expenditure is due by 31 July of the funding year, or on request by the Department.

Providers must also submit a report that includes a qualitative assessment of the following matters as at 31 July:

- delivery of the tuition program, including any difficulties encountered;
- the impact of the program on student attendance;
- an assessment of the effectiveness of the tuition; and
- suggestions for improving VET Tuition.

The statement of income and expenditure must clearly identify the expenditure of funds committed for expenditure from a previous year and carried forward into the current year. Previously committed funds which were not spent will be deducted from the second payment.

Payments for subsequent years cannot be released until the progress report has been submitted and accepted by the Department.

Performance report

A performance report is required by 31 March of the year following the funding year and must include:

- the number of Indigenous students who received ITAS VET assistance;
- the number of Indigenous students who completed an award course and accessed ITAS VET;
- the number of modules in which Indigenous students were enrolled;
- the number of hours of tuition provided to eligible students;
- the number of Indigenous and non-Indigenous tutors delivering tuition;
- details of professional development provided to tutors;
- a qualitative assessment of the strengths and weaknesses of the program;
- an evaluation of the delivery of ITAS VET; and
- performance data against mandatory performance indicators.

Financial acquittal

Providers must acquit all ITAS VET funding received in the funding year by 31 March of the year following the funding year. Financial accountability requirements are outlined in Clause 11 of the Funding Agreement.

Supplementary Recurrent Assistance (SRA)

Supplementary Recurrent Assistance (SRA) provides supplementary per capita funding to Education Providers across the preschool, school (for their preschool enrolments only) and non-government Vocational Education and Training (VET) sectors. These guidelines only deal with SRA for non-government VET which is administered by the Department. Information concerning SRA for preschools may be obtained from DEEWR which continues to administer that program.

In addition to this Chapter:

- *Part 1* of these Guidelines provides an overview of the full range of Indigenous Education and Training Program objectives and information.
- *Part 2* of these Guidelines provides details of the range of Standard Conditions, which should be read in conjunction with this Chapter regarding SRA.

SRA Funding for eligible non-government VET providers will continue while the Australian Government finalises consultation on arrangements with a view to better aligning arrangements for SRA with the responsibilities set out in the National Agreement for Skills and Workforce Development.

SRA aims to assist providers to accelerate educational outcomes for Indigenous Australians beyond those which could reasonably be expected from mainstream and own-source funding alone by focusing provider effort on the eight MCEECDYA priority areas for Indigenous education.

SRA is intended to supplement mainstream funding, not substitute or replace it.

Education Providers

Non-government VET providers are eligible to apply for funding by completing an Indigenous Education and Training Programs (IETA) Provider Application form which is available upon request, by contacting the Director at itpt@innovation.gov.au.

Eligibility - VET institutions

Government VET institutions are:

- managed by, or on behalf of, a State (usually represented by departments, such as Departments of Education and Training). They are not eligible for SRA from 2009 as this funding has been rolled into base funding to states & territories under the National Agreement for Skills and Workforce Development.

Non-government VET institutions are:

- not conducted by, or on behalf of, the government of a state or territory; and
- a RTO within the meaning of the *National Vocational Education and Training Regulator Act 2011*; and
- provides VET courses (within the meaning of that Act) which are recorded as being within the organisation's scope of registration on the National Register; and

- delivering training that is reported via the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) through the National Centre for Vocational Education Research (NCVER); and
- not conducted for profit.

Minimum enrolments

Providers must have a minimum Indigenous enrolment of 20 FTE students in each funding year to remain eligible for SRA.

Full-Time Equivalent student load

For SRA purposes, one FTE student load is 540 Eligible Student Contact Hours (ESCH).

ESCH are the total number of Indigenous student contact hours delivered under AVETMISS Recognition Status 11 (a nationally accredited qualification which leads to another qualification specified in a national training package), Recognition Status 12 (nationally recognised accredited course other than a qualification designed to lead to another qualification specified in a national training package) and individual eligible module hours completed in the year of collection.

Data will be taken from the NCVER Provider Data Collection.

Determination of VET FTE numbers

Except as noted below, the number of FTE Indigenous students enrolled at a VET Institution in a particular year is worked out using the formula:

$$\text{VET FTE} = \text{Eligible Student Contact Hours} / 540$$

Credit Transfer and Recognition of Prior Learning

Student contact hours delivered under AVETMISS Outcome Identifiers 51 or 52 (Recognition of Prior Learning), Outcome Identifiers 53 or 54 (Recognition of Current Competency) and Outcome Identifier 60 (Credit Transfer) are not ESCH.

VET in Schools

Student contact hours reported to NCVER as VET In Schools delivery are not ESCH, as Indigenous school students already attract Indigenous Supplementary Assistance (ISA) under the *Schools Assistance Act 2008* or funding under the National Education Agreement through their status as school enrolments.

Continuing students

Student contact hours reported under AVETMISS Outcome Identifier 70 (continuing enrolments) are not ESCH. Continuing students may attract SRA funding once an eligible training outcome has been reported.

Australian Apprentices

Australian Apprentices undertaking on-the-job training are not eligible for SRA funding.

For more information about what constitutes an Australian Apprentice undertaking on-the-job training see <http://www.newapprenticeships.gov.au/>.

Fee for service delivery

Student contact hours reported under AVETMISS Outcome Identifier 20 (domestic fee for service delivery) are not ESCH.

“Fee for service” training is defined by the NCVET as training for which most or all of the cost is borne by the student or a person or organisation on behalf of the student.

SRA is not intended to subsidise the commercial delivery of training by eligible providers or training delivered under other Australian government funded programs such as:

- mainstream Labour Market Programs; or
- community – based strategies; or
- courses conducted through the Community Development Employment Projects (CDEP) scheme; or
- courses conducted through government departments/agencies available only to their employees.

Training delivered on a “fee for service” basis should not be confused with training for which student training fees apply. Student training fees are fees which are not based on cost recovery principles and contribute only a small percentage of the total cost of training provided.

Declining enrolments

A provider may become ineligible for SRA funding where Indigenous VET enrolments fall below 20 FTE. In such instances, the provider must notify the Department in writing within 14 days. Providers will then be given notice in writing that it must show within 28 days why SRA funding should be continued.

Where preliminary payments have been made based on prior year enrolments, the Department will seek recovery of the amounts paid where actual enrolments fall below 20 FTE.

AVETMISS updates and revision

AVETMISS may be revised and/or updated from time to time. Where amendments impact on data collection for SRA payment and outcomes reporting purposes, these Guidelines may be revised to reflect those amendments.

National enrolment data collections and reporting

SRA funding is calculated on enrolment data drawn from national data collections as shown below. It is the responsibility of providers to ensure that national data collections accurately reflect their enrolment data.

VET enrolment data

VET enrolment data is taken from the National Centre for Vocational Education Research (NCVER) Provider Data Collection. This collection describes Australian VET student outcomes based on the AVETMIS Standard, such as enrolments as described above, training outcomes and the level at which students are studying. This data is reported annually by VET providers

to NCVET through State Training Authorities. This data is published in the year it is collected and represents training delivery in the previous year.

Statutory Declarations

Statutory declarations detailing provider enrolments will only be acceptable to the Department:

- on initial provider registration - pending verification against a national data collection as described in the National Enrolment Data Collections And Reporting section above; or
- when a provider ceases operating - to calculate a final payment pending verification against a national data collection; or
- when a provider experiences variations of greater than 10% of the previous year's enrolment - pending verification against a national data collection.

Only in exceptional circumstances will a statutory declaration be accepted by the Department to determine preliminary entitlements. Failure to participate in the relevant national data collection is NOT deemed to be an exceptional circumstance.

Declining enrolments

Education Providers whose enrolments at the start of the academic year are at least 10% lower than reported in the relevant national data collection must notify the Department so that an adjustment can be made to the preliminary entitlement for the current funding year.

Funding categories

The four funding categories listed below are used by the Department staff to determine SRA funding levels. For more information, please contact the Indigenous Tertiary Programs Team.

Funding Category 1

Funding for Category 1 clients and providers is made available to those in remote locations. Subject to the exceptions below, an area will be considered remote because it fits into one or more of the following categories:

- geographic location - a location from which one of the following is required in order to reach the boundary of a city with a population of 50,000 or more (as defined by the 2001 ABS Census of Population and Housing - Urban Centre/ Locality Structure)
 - a journey by road of more than 300 kilometres; or
 - a journey by air; or
 - a journey by water.
- community - Aboriginal or Torres Strait Islander communities which are culturally or socially isolated (e.g. old reserves or missions, outstations or homeland communities) or on Indigenous or reserve land characterised by their distinct separateness. Communities which are part of larger non-Indigenous centres are not included; or
- All islands are considered remote except:

- Tasmania;
- North and South Stradbroke Island;
- Kangaroo Island;
- Rottnest Island;
- Phillip Island;
- Macleay Island;
- Russell Island;
- Magnetic Island;
- Bruny Island;
- Moreton Island; and
- any island connected by bridge to mainland Australia or Tasmania.

Funding Category 2

Funding for Category 2 clients and providers is made available to those which are not in remote areas or in capital cities, other than Darwin which is in Category 2 (i.e. in areas not defined by Categories 1, 3 or 4). Non-government Indigenous controlled VET providers located in capital cities are, however, funded under Category 2.

Funding Category 3

Funding for Category 3 clients and providers is provided to those who are located in capital cities (excluding Darwin). Non-government Indigenous controlled VET providers located in capital cities are funded under Category 2. Category 3 providers have their SRA funding maintained at the 2004 non-remote rate.

Funding Category 4

Funding for Category 4 providers is provided to Non-government VET institutions in Category 2 locations which were previously funded in 2004 at the remote rate and have had their rate of SRA funding maintained.

Determining appropriate rates

For the SRA element, the category is usually determined by the location in which the delivery actually takes place, not the home location of the student. For example, a Darwin-based provider delivering training in Darwin to a student from Maningrida in remote NT will be funded under SRA at the Category 2 rate, because Darwin is a Category 2 location and that is where the training is delivered.

Funding calculations

The annual funding entitlement for a provider is calculated on a per capita basis detailed below. Rates for each sector and category are set out below:

2013 SRA-VET per capita funding rates

The following table contains rates for 2013:

Funding category	Government rate	Non-government rate
Remote (Category 1)*	N/A	\$4,389.18
Rural (Category 2)*	N/A	\$2,194.59
Metro (Category 3)#	N/A	\$1,847.20
Guaranteed (Category 4)†	N/A	\$3,694.39

* May be supplemented from time to time by Wage Cost Index No. 1

Fixed rate except Category 3 non-government Indigenous-controlled VET provider funding rates may be supplemented from time to time by Wage Cost Index No. 1

† Fixed rate

Wage Cost Index

A Wage Cost Index No. 1 (WCI1) may be applied to the per capita rates from time to time, as advised by the Australian Government Treasury.

WCI1 is an index maintained by the Treasury. It includes the Safety Net Allowance, which makes up 75% of the WCI1, and the Consumer Price Index, which accounts for the other 25%.

Increased enrolments

The Minister or their delegate may, at his or her discretion, adjust preliminary SRA payments where a provider is able to demonstrate to the Department that the Full-Time Equivalent (FTE) student numbers have increased by a minimum of 10% above the FTEs for which the provider was initially paid. Adjustments will only be considered where the provider furnishes the Minister or his or her delegate with a statutory declaration detailing the changes, prior to 31 May of the funding year. Final entitlements in the funding year will however, be determined on the basis of enrolment data submitted in the relevant national data collection for that year.

Administration costs

Providers may expend up to 10% of their annual SRA entitlement on program administration costs. Administrative costs might include:

- costs directly associated with administering and reporting SRA funding and program performance required under the Funding Agreement;
- postage, telephone, computers and similar such expenses directly related to the administration of SRA funding; and
- annual audit expenses for SRA financial reporting.

If a provider fails to meet reporting requirements, future funding may be reduced.

Payments

As finalised enrolment data is not available for the first SRA payment each year, the most recently available enrolment data will be used to calculate a preliminary entitlement and make a first payment:

- non-government VET - a preliminary payment is calculated on the FTE enrolment data from 2 years prior to the funding year as advised annually by the NCVER. For example, the 2009 preliminary payment is based on the 2008 NCVER Provider Data Collection. (note that the 2008 collection describes 2007 provider data)

Finalising entitlements

When the Department has final provider enrolment data from the relevant national data collection for the funding year, preliminary payments can be finalised as follows:

- non-government VET - entitlement is finalised on the basis of the NCVER Provider Data Collection conducted in the relevant funding year. This data is published in the year it is collected and represents training delivery in the previous year (i.e. the 2009 NCVER Provider Data Collection describes 2008 performance data to finalise the 2009 SRA entitlement).

Note: where a provider's enrolment has declined from one year to the next, it may be necessary to recover overpaid preliminary payment funds from future payments.

Payment procedures

Three payments will usually be made in each funding year:

- The first payment, 50% of the preliminary entitlement, is usually made in January, after the Funding Agreement has been signed by both the Commonwealth and the provider and any required Performance Monitoring Committee minutes have been accepted.
- The second payment, 25% of the preliminary entitlement, is usually made in July. Reductions may affect the amount of this payment.
- A balance payment will reconcile the differences between the preliminary and final entitlements based on the finalised enrolment data for the relevant data collection conducted in the funding year and will be made once enrolment data is finalised as set out at Finalising Entitlements above.

Payments are subject to the provider having met all relevant contractual obligations. Where a provider is in breach of the conditions of the Funding Agreement (e.g. has failed to submit mandatory milestone reports) payments in this and all other agreements made under the *Indigenous Education (Targeted Assistance) Act 2000* may be withheld until compliance is achieved by the provider.

New Agreements

Funding Agreements executed during a funding year will include payments calculated on a daily pro-rata basis from the date the completed SRA application is received by the Department, provided this date is before 30 September in the funding year. Applications

received after that date, if approved, will be subject to Funding Agreements beginning on 1 January in the following year.

Pre-conditions of payment

Continuation of Funding Agreements from one year to the next is conditional on receipt and acceptance of the financial acquittal and performance report for the previous funding year. Payments may be delayed or funds to providers reduced, where financial acquittals (due 31 March) and/or performance reports (due 31 March) have not been submitted to the Department and/or are incomplete or incorrect.

Financial accountability

Providers are required to acquit all SRA funding received in the funding year by 31 March of the year following the funding year.

Financial audit statement

A financial statement and acquittal are required at the end of the agreement period as specified in the Funding Agreement and for each year of Funding Agreements longer than one year, to ensure that the funding is being used for the purposes for which it was provided. Financial accountability requirements are outlined in Schedule 1 of the Funding Agreement and Division 2 of the IETA Act.

Providers must submit to the Department:

- a certificate from the provider's Chief Executive Officer, chief internal auditor or board member, certifying that all funding received was expended or committed for purposes specified in the Funding Agreement;
- an audited detailed statement of income and expenditure for the funding year, which must include a definitive statement as to whether the financial accounts are true and fair, and a statement of the balance of the providers account; and
- an audit statement that the funding has been spent (or committed to be spent) in the funding year for the purposes specified in the Funding Agreement.

Carryover of funds

All unspent and uncommitted SRA funds remaining at the end of a funding agreement period must be returned to the Department. No approval will be given to carry forward these funds.

Managing funds

SRA funds must be managed in one of the following ways. They must be either:

- placed in a specific bank account used only for SRA purposes, with the name of the account to include the SRA abbreviation; or
- managed through an accounting system which is recognised by the provider's independent auditor as suitable for readily identifying all SRA income and expenditure.

Educational accountability

Providers in receipt of SRA per capita funding must, under the terms of their Funding Agreement, report to the Department on outcomes achieved for each funding year of the quadrennium. This reporting takes place against performance indicators that are categorised into the MCEECDYA eight priority areas. These are:

- improving Indigenous literacy;
- improving Indigenous numeracy;
- increasing the employment of Indigenous Australians in education and training;
- improving educational outcomes for Indigenous students;
- increasing Indigenous enrolments;
- increasing the involvement of Indigenous parents/community members in educational decision making;
- increasing professional learning for staff involved in Indigenous education; and
- expanding culturally inclusive curricula.

Performance indicators

All providers must report against a number of standard performance indicators that address the MCEECDYA eight priority areas.

Performance targets

Providers are accountable for improving the education and training outcomes of Indigenous students and meeting the performance indicators and achieving performance targets stipulated in their Funding Agreements.

Providers negotiate performance targets for each funding year for improvements against each performance indicator. The principles guiding target setting are significant and measurable progress, continuous improvement, and accelerated progress in closing the gap between the outcomes of Indigenous and non-Indigenous students.

Independent Indigenous representation

The Funding Agreement requires that the provider establish a Performance Monitoring Committee to review educational progress under the Funding Agreement. The Committee must include an independent Indigenous representative, who must be either a representative from the relevant local Indigenous community, or a member of the State Indigenous education consultative body or any other body, as agreed with the Department.

Performance Reports

All providers must submit their performance reports to the Department using INDIGO, the online reporting system, unless prior approval has been negotiated and agreed with the Department for alternative arrangements.

Performance reports must be provided by 31 March in the year following each funding year, detailing the previous funding year's outcomes for each of the performance indicators and performance targets in their Funding Agreements.

The quantitative reporting data must be accompanied by any qualitative information required by the Department. A provider may provide additional information necessary to explain the outcomes and the issues, internal or external, which impacted on their ability to achieve the targets.

Providers must discuss the content of the draft performance report with an independent Indigenous representative before submitting it to the Department.

Performance monitoring

In addition to the formal reporting requirements described in Performance Reports above, there will be ongoing monitoring of provider progress, overseen by the Performance Monitoring Committee. Strategic directions meetings are planned for February/March and performance monitoring meetings are planned for August/September in each funding year. Providers are encouraged to contact the Department for any assistance in meeting their performance reporting obligations.

The Performance Monitoring Committee must provide a copy of the minutes of the performance monitoring meeting to the Department within two weeks of the meeting, endorsed and signed by each Committee member. The minutes must reflect the Committee's endeavours to monitor and assess the use of SRA funding, as required in the Funding Agreement.

The Department's acceptance of the endorsed minutes completes compliance for the current funding year and allows the first payment for the following funding year.

Performance evaluation feedback

The Department will provide feedback to providers who have met their reporting obligations for each funding year based on an analysis of their performance reports by no later than two weeks before the performance monitoring meetings. The independent Indigenous representative will have an opportunity to comment on these feedback reports and must be invited to attend the performance monitoring meetings.

While the Department aims to support providers as much as possible, a range of interventions will be in place in the Funding Agreement to deal with providers who continually underperform (including those providers who continually fail to meet their agreed targets). These interventions could include:

- a statement in feedback reports that a target has not been achieved, depending on the significance of the failure and any mitigating circumstances;
- discussion with providers about action they will be taking to ensure the following year's targets are achieved;
- renegotiation of targets that may no longer be appropriate; and/or
- Ministerial involvement where a provider significantly fails to meet targets for two consecutive years, and fails to demonstrate that all reasonable efforts have been made to achieve that target (see section 11F of the IETA Act).

Complete, correct and timely performance reporting

Performance reports must contain information on performance outcomes relating to the relevant funding year. The required performance information is detailed in the applicable schedule of the funding agreement and may include non-Indigenous comparative data, where applicable. All performance outcomes must be measured and/or collected using the agreed measurement source, and any specifications, such as the sample or survey periods are defined in the applicable schedule of the Funding Agreement.

Performance outcomes will be calculated in the manner specified by the Department or otherwise negotiated and agreed between the Department and the provider. The performance outcomes will be specified and provided in the reporting format for the performance indicators in the applicable schedule of the Funding Agreement. If the performance indicator asks for percentage and numbers, both of these are to be provided.

Performance outcomes must be accompanied by an explanation, especially where the agreed funding year targets were not met or there were extraordinary outcomes relative to those in previous funding years. Performance reports must be endorsed by the independent Indigenous representative.

Future funding may be reduced if reports have not been submitted by the due dates or are incomplete or incorrect.

PART 4: GLOSSARY OF TERMS

The following terms are used throughout these Guidelines.

Term	Description
ABS	Australian Bureau of Statistics.
ABSTUDY	The Aboriginal and Torres Strait Islander Study Grants Scheme. This scheme, administered by DHS, provides means-tested living allowance and other supplementary benefits to eligible Indigenous secondary and tertiary students.
ABSTUDY AFB	ABSTUDY Away-from-Base. The non 'mixed-mode' element of the Away-from-Base program that is administered by DHS.
Administration costs	Administration costs cover the cost of the administration of Indigenous Education and Training Program elements, such as postage, telephone, computers and similar such expenses, directly related to the administration of IETP element funding.
Administrative expenditure	Administrative expenditure is the funding expended towards Administrative costs.
Administration allocation	Amount of administration costs allocated to providers as specified in the relevant Schedule to the Agreement.
AEP	National Aboriginal and Torres Strait Islander Education Policy. The AEP guides all Australian Government Indigenous Education and Training Programs.
AQF	Australian Qualifications Framework.
ARIA	Accessibility / Remoteness Index of Australia. ARIA measures the remoteness of a point based on the physical road distance to the nearest Urban Centre (ASGC 1996) in each of five size classes.
ASGC	Australian Standard Geographical Classification. The ASGC was developed by the ABS for the collection and dissemination of geographic statistics. It is a hierarchically structured classification with a number of spatial units to satisfy different statistical purposes. It is updated annually.
AVETMISS	Australian Vocational Education and Training Management Information Statistical Standard.

Term	Description
CD	<p>Collection District.</p> <p>The census Collection District is the smallest geographic area defined in the ASGC. CDs are the basic building block in the ASGC and are used for the aggregation of statistics to larger census geographic areas. It has been designed for use in the Census of Population and Housing as the smallest unit for collection, processing and output of data. CDs are defined for each census and are current only at census time.</p>
CDEP	Community Development Employment Program.
DHS	The Australian Government service delivery agency. DHS delivers the ABSTUDY program, among other programs.
CEO	Chief Executive Officer.
COAG	Council of Australian Governments.
CPI	Consumer Price Index.
DEEWR	Department of Education, Employment and Workplace Relations.
The Department	Department of Industry, Innovation, Science, Research and Tertiary Education.
Education Provider	<p>Defined as:</p> <p>(a) a State or Territory; or</p> <p>(b) a university or other institution providing post secondary education; or</p> <p>(c) a person or body conducting, or associated with, an educational system or educational institution including a Systemic Provider; or</p> <p>(d) a person qualified to carry out research, or give advice, about education.</p>
EFTSL	Equivalent Full-time Student Load.
EPUC	<p>Education Provider Unit Cost.</p> <p>The base funding unit of the Away from Base for 'mixed-mode' delivery program.</p>
ESCH	Eligible student contract hours.
Family	<p>For the purposes of Indigenous Education and Training Programs, 'family' includes people who:</p> <ul style="list-style-type: none"> • are related by blood or marriage; or • have a strong affinity; or • are in a bona fide domestic or household relationship; or • have a parent/caregiver and child or adopted child relationship
FTE	Full-Time Equivalent.

Term	Description
Funding Agreement	An agreement between the Commonwealth and an Education Provider or other service provider, for the delivery of an Indigenous Education and Training Program element, as described under section 10 and section 11 of the IETA . Funding agreement can refer to a variety of contract forms. Either a separate funding agreement will be negotiated for each Program Element or project or a Funding Agreement may allow for the inclusion of one or more schedules for one or more Program Elements under the IETA.
Geolocation	A geographical location described as metropolitan, provincial, remote or very remote, as specified from time to time by the Ministerial Council for Education, Early Childhood Development and Youth Affairs.
GST	Goods and Services Tax.
Guidelines	Indigenous Education (Targeted Assistance) Act 2000 PROGRAM GUIDELINES 2009 TO 2013.
Higher Education	Education that leads to a higher education award as defined in the <i>Higher Education Support Act 2003</i> .
Higher Education Provider	Means a body corporate approved under Division 16 of Part 2-1 of Chapter 2 of the <i>Higher Education Support Act 2003</i> .
Indigenous Coordination Centre	One of a network of offices delivering Australian Government programs and services to Indigenous people.
IEP	Indigenous Education Programs.
IECB	Indigenous Education Consultative Bodies (previously AECG - Aboriginal Education Consultative Group).
IETA	<i>Indigenous Education (Targeted Assistance) Act 2000</i> .
IETP	Indigenous Education and Training Program, as set out in these Guidelines.
IETP element	One of several elements of the Indigenous Education and Training Program, as defined in IETA Program Elements.
Indigenous person	A member of the Aboriginal race of Australia or a descendent of an Indigenous inhabitant of the Torres Strait Islands.
INDIGO	Online computer system used to manage, Funding Agreements and contracts, payments and reporting information.
IPPs	Information Privacy Principles under the <i>Privacy Act 1988</i> .
ISP	Indigenous Support Program. Grants to promote equality of opportunity in higher education under subsection 41-10(1) the <i>Higher Education Support Act 2003</i> (as specified in the Other Grants Guidelines under that Act).

Term	Description
ISU	Indigenous Support Unit.
ITAS	Indigenous Tutorial Assistance Scheme.
ITAS TT	Indigenous Tutorial Assistance Scheme Tertiary Tuition.
ITAS VET	Indigenous Tutorial Assistance Scheme for Vocational Education and Training.
Jurisdiction	The state or territory in which an Education Provider operates.
Minister	The Minister responsible for the administration of the <i>Indigenous Education (Targeted Assistance) Act 2000</i> , insofar as it relates to higher education or vocational education and training policies and programs.
'Mixed-mode'	'Mixed-mode' is a form of tertiary education where students undertake accredited courses of study through a combination of distance education and 'residential' periods of intensive face-to-face teaching.
'Mixed-mode' AFB	Away-from-Base for mixed-mode delivery, the element of Away-from-Base that is administered by the Department.
MCEECDYA	The Ministerial Council for Education, Early Childhood Development and Youth Affairs.
NAPLAN	National Action Plan for Literacy and Numeracy.
National Register	Means the National Register maintained in accordance with the provisions of the <i>National Vocational Education and Training Regulator Act 2011</i> which sets out details of registered training organisations, their scope of registration to deliver nationally recognised training and other information as required by Section 216 of that Act. This information is available online at www.training.gov.au .
NCHRC	National Criminal History Record Check.
NCVER	The National Centre for Vocational Education Research.
Performance Monitoring Committee	A committee comprised of representatives from the Indigenous community, the Department and the provider to monitor the progress and outcomes of projects or programs funded by IETA Act.
Program delegate	The Secretary or an Australian Public Service (APS) employee in the Department who is given any of the Minister's powers under the <i>Indigenous Education (Targeted Assistance) Act 2000</i> .
Provider	A Provider is a person or body (including an Education Provider) that is contracted to provide services to the Commonwealth as represented by the Department under the <i>Indigenous Education (Targeted Assistance) Act 2000</i> and the program elements described in these Guidelines that are to advance the objects of this Act.
Quadrennium	A four year cycle.

Term	Description
	Recipient Created Tax Adjustment Notice
RCTAN	A notice from the Department to providers about adjustments made to payments and corresponding taxation, where required under a provider's agreement, and more fully described in the <i>A New Tax System (Goods and Services Tax) Act 1999</i> .
	Recipient Created Tax Invoice.
RCTI	A notice from the Department to providers about payments made and corresponding taxation, where required under a provider's agreement, and more fully described in the <i>A New Tax System (Goods and Services Tax) Act 1999</i> .
	Student Contact Hours.
SCH	The total nominal supervised hours for the modules of study undertaken by VET students.
	Statistical District.
S Dist	An ASGC defined area which bounds a large predominantly urban area outside the Capital City Statistical Divisions (SDs). An S Dist consists of one or more urban centres in close proximity to each other, with a total population of 25,000 or more. The boundaries of S Dists are defined to contain the anticipated urban spread of the area for a period of at least twenty years.
	Statistical Division.
SD	Capital City Statistical Divisions (Capital City SDs) are predominantly urban in character and represent the State/Territory capital cities in the wider sense. A Capital City SD is defined to contain the anticipated urban development of a capital city (and its associated urban centres) for a period of at least twenty years. It delimits an area which is stable for general statistical purposes.
	Student Entitlement Notice. Notification to students about ABSTUDY benefits to which they are entitled. The Department uses these notices as evidence of student eligibility for the 'mixed-mode' AFB program.
SEN	
SRA	Supplementary Recurrent Assistance. An IETP Element.
State	Includes any Australian State, the Australian Capital Territory and the Northern Territory.
TAFE	Technical and Further Education. A government VET institution providing post-secondary and tertiary education.

Term	Description
VET	<p>Vocational Education and Training</p> <p>Post-secondary training is provided through the Vocational Education and Training (VET) system by Registered Training Organisations. This system encompasses both public and private providers in a national training framework consisting of the Australian Quality Training Framework, Australian Qualifications Framework and Industry Training Packages which define the assessment standards for the different vocational qualifications.</p>
Vocational Education and Training institution	<p>Means an institution in a State or Territory that:</p> <p>is a registered training organisation (within the meaning of the National Vocational Education and Training Regulator Act 2011); provides VET courses (within the meaning of that Act); and is not conducted for profit.</p>
WCI1	<p>Wage Cost Index no. 1.</p> <p>An index maintained by the Treasury, used as a basis for annual supplementation of certain Indigenous Education and Training Program elements' funding rate.</p>
Working with children policy	<p>The Roles And Responsibilities For Working With Children conditions applies to all persons who may come into contact with children in the delivery of a Commonwealth funded initiative that is described in these Guidelines and that requires all relevant persons to undergo a National Criminal History Records Check conducted by the Australian Federal Police and to also comply with any relevant State/Territory legislation.</p>
Youth Allowance	<p>Youth Allowance seeks to ensure that eligible young people receive income while studying, looking for, or preparing for, paid employment; encourage young people to choose further education or training over job search if they do not have sufficient skills to undertake a range of activities that will promote entry into employment (for further information refer to www.deewr.gov.au).</p>