

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF AUSTRALIA THE AUSTRALIAN DEVELOPMENT SCHOLARSHIPS TECHNICAL COOPERATI...

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GENERAL

1. This Memorandum of Understanding (MOU) expresses the understanding of the Government of Australia (GOA) and the Government of the Republic of the Philippines (GOP) concerning the responsibilities and contributions of the two Governments in relation to the Australian Development Scholarships (ADS).
2. This MOU is concluded pursuant to and is subject to the provisions of the General Agreement on Development Cooperation between GOA and GOP signed on 28 October 1994 ("the Agreement")

COORDINATING AUTHORITIES

3.1 The Coordinating Authorities for the ADS will be:

- (a) for the GOA, the Australian Agency for International Development (AusAID); and
- (b) for the GOP, the National Economic and Development Authority (NEDA)

3.2 If the ADS is expanded substantially, the Coordinating Authorities will discuss the future administrative support arrangements.

IMPLEMENTING ORGANISATION

4.1 AusAID may nominate an Implementing Organisation or Organisations to undertake on its behalf any part or parts of the ADS in Australia.

4.2 Unless mutually arranged otherwise, NEDA will be the Implementing Organization for the GOP.

4.3 From time to time, the Coordinating Authorities will mutually determine a Development Cooperation program which will set out the sectoral focus of the ADS.

AUSTRALIAN PROGRAM PERSONNEL

5.1 "Australian Program Personnel" means Australian nationals or permanent residents or other persons who are not nationals or permanent residents of the Philippines who are working in the Philippines on an activity under this MOU and whose salaries or other costs are funded from the contribution of the GOA to the activity.

5.2 The GOA may supply Australian Program Personnel to be engaged in the administration of the ADS, in which case the GOA and GOP recognise that Article 8 of the Agreement will apply.

DESCRIPTION AND OBJECTIVES

6.1 The ADS seeks to promote human resource development of Filipino nationals through support for in-Australia postgraduate studies leading to Graduate Diploma or Master's degree in agreed priority fields of study.

6.2 There are two categories under the ADS, namely;

- (a) Government-endorsed Category, which is open to government officials and non-government organisation employees; and
- (b) Merit/Equity Category, which is open to individuals.

General eligibility criteria for both categories of the ADS are detailed in Annex 1. Specific eligibility criteria for the Government-endorsed Category are detailed in Annex 2.

6.3 Scholarships will be awarded on a gender equity basis and a minimum target of 30% of the ADS scholarships will be awarded to residents in the Visayas and Mindanao for both categories.

Government-endorsed CATEGORY

6.4 Applicants for the Government-endorsed Category will be chosen from Philippine Government Departments, public or private organisations and institutions and non-government organisations nominated by the GOP which come within the sectoral focus of the Development Cooperation Program. The application method is as follows:

- (a) NEDA will disseminate information and nomination forms relating to the ADS Government-endorsed Category to Philippine Government Departments, public and private organisations and advise these bodies to forward applications to NEDA;
- (b) NEDA through the Special Committee on Scholarships (SCS) will assess applicants for suitability for agreed postgraduate courses;
- (c) NEDA will forward the applications to AusAID for further assessment;
- (d) The Joint Ranking Committee (JRC) will rank applications according to their priority status. The JRC will be composed of-

> the SCS Advisory Committee of NEDA

- Director of NEDA Social Development Staff Representative
- Civil Service Commission Representative
- Department of Education, Culture and Sports Representative
- Department of Foreign Affairs Representative
- University of the Philippines Representative

> two GOA representatives

(e) AusAID will forward the applications to Australia for placement in accordance with the application and subsequently advise NEDA of placement outcomes; and

(f) NEDA will notify candidates accordingly.

Merit/Equity Category

6.5 Applicants for the Merit/Equity Category may submit expressions of interest to the AusAID designated

managing agent. The application method is as follows:

- (a) AusAID will hire an Australian managing agent, chosen in accordance with the AusAID tender process, to manage the Merit/Equity Category of the ADS;
- (b) The managing agent will advertise in the Philippines the availability of the scholarships in newspapers, radio and other medium of advertisement;
- (c) The managing agent will assess the expressions of interest;
- (d) The Eligibility, Review and Ranking Committee (ERRC) will rank applications according to their priority status. The ERRC will be composed of -
 - > two academic representatives from two Philippine universities; and
 - > an AusAID representative.

(e) The managing agent will forward nominations of nominees ranked by the ERRC to Australian universities for placement and notify nominees of the outcome.

6.6 To be eligible for consideration by either the SCS or the managing agent, applicants must complete AusAID's nomination form.

6.7 Where the placing Australian institutions so require, bridging courses, including the introductory academic program, will be provided in Australia prior to the commencement of courses.

6.8 Following successful placement in a course, scholarships will be awarded in accordance with the priority ranking as per sub-paragraphs 6.4 (d) and 6.5 (d) above.

6.9 The duration of the scholarship will be the sum of the period of any bridging course and the nominated course.

6.10 Termination from a course of study will be at the discretion of the institution at which the student is studying in accordance with the institution's published laws and regulations governing the termination of the study.

6.11 Termination of any individual scholarship following termination of study by an institution will be at the discretion of AusAID.

6.12 The first intake of students under the terms of this MOU will commence study in Australia during the 1998 academic year.

AUSTRALIAN CONTRIBUTION AND RESPONSIBILITIES

7.1 The estimated contribution of the GOA to the ADS will be A\$8.4M in 1998. The contribution of the GOA to the ADS in subsequent years will be determined by the GOA. Any GOA contribution will be subject to the annual Australian Parliamentary approval of appropriations.

7.2 The number of scholarships will be reviewed and determined annually in consultation between the Coordinating Authorities.

7.3 The annual estimates of scholarship numbers for the GOA will represent indicative planning figures.

7.4 Under the ADS, the GOA will provide funds to cover scholarship assistance as set out in the AusAID Country Programs Operations Guide, Volume 4.

7.5 Subject to satisfaction of the GOA requirements for overseas student entry, the GOA will provide each student with an Entry Permit which identifies the holder under the ADS. The validity of each student's Entry Permit will

be limited to the duration of the scholarship.

7.6 It is the requirement of both the GOA and the GOP that each student return to the Philippines upon the completion of the scholarship. The GOA will take all reasonable measures to ensure that students meet the conditions of their scholarship and return to the Philippines on completion of their scholarship.

7.7 Under the Government-endorsed Category, before any request by an Australian institution for the extension of a student's scholarship or by a student to transfer to another course or institutions is approved by AusAID, the matter will be mutually determined by the Coordinating Authorities.

7.8 Under the Merit/Equity Category, requests of students for extension of scholarships will be approved or rejected by AusAID

7.9 AusAID will inform in writing the Australian immigration authorities and participating Australian institutions of higher education of the conditions governing ADS.

7.10 The GOA will require each student to sign the letter of acceptance of a scholarship at Annex 3 as a pre-condition to completing the scholarship award formalities.

PHILIPPINE RESPONSIBILITIES

Government-endorsed Category

8.1 The GOP will recognize the Government-endorsed Category of the ADS as a category of persons eligible for passports and other travel documents necessary for each student's participation in the ADS.

8.2 The GOP will:

- (a) ensure that the student is able to depart the Philippines where required up to two weeks prior to the start of the award; and
- (b) continue to pay the student's salary to dependants during his/her absence from the Philippines where the student is a GOP employee.

8.3 The GOP may:

- (a) permit dependents to accompany or join the students in Australia during the period of the award;
- (b) on the student's return to the Philippines provide a job that uses the knowledge gained through the award of the scholarship; and
- (c) require a student who does not return to the Philippines to pay compensation for the losses incurred by his/her absence.

Merit/Equity Category

8.4 Travel arrangements for students under the Merit/Equity Category of the ADS will be the responsibility of the managing agent.

LIABILITY

9.1 The GOP will release the GOA, its representatives and its Australian Program Personnel from all actions, suits, proceedings, claims and demands whatsoever which the GOP may now have or may in the future have against them or any of them in relation to loss or damage resulting from or consequent upon the ADS.

9.2 The GOP will indemnify the GOA, its representatives and its Australian Program Personnel from any liability against:

(a) all actions, proceedings, claims and demands whatsoever, which any party may now have or may in future have against them or any of them in relation to loss or damages resulting from, or consequent upon, the ADS, and

(b) any claim for contributions which any party may have in the future against any of them in respect of any such actions, suits, proceedings, claims and demands.

9.3 The release and indemnity referred to in sub-paragraphs 9.1 and 9.2 will not apply where it has been mutually decided by the two Governments that a claim arises from the gross negligence or willful misconduct of the GOA, its representatives or its Australian Program Personnel.

9.4 The GOA will assume full responsibility for the claims arising out of the conduct of the ADS recipients while they are in Australia.

9.5 In return for the GOA's commitment in paragraph 9.4 the GOP will indemnify the GOA against all payments made and all costs, damages and expenses incurred by it as a result of any claims which may be brought against ADS recipients or the GOA, its officers or servants by any third party arising from the conduct of the ADS recipients in Australia pursuant to this MOU.

9.6 The commitment referred to in sub-paragraphs 9.4 and 9.5 will not apply where it has been mutually decided by the two Governments that a claim arises from the gross negligence or willful misconduct of an ADS recipient in Australia.

FORMAL COMMUNICATION

10. For the purposes of formal communication between the Coordinating Authorities on matters arising out of this MOU, and matters relating to the policy of the ADS, the Australian Embassy in Manila will act on behalf of AusAID.

AMENDMENT

11. Amendments to this MOU may be made at any time by an Exchange of Letters between the Coordinating Authorities.

DURATION

12.1 This MOU will take effect from the date of its signature.

12.2 This MOU will be reviewed by the Coordinating Authorities at a mutually convenient time.

12.3 Either Coordinating Authority may terminate the ADS by advising the other in writing. This MOU and the Australian contribution to the ADS will terminate three months after the receipt of such advice.

ANNEXURES

13. Annexures to this MOU, and any amendments and other Exchange of Letters pursuant to this MOU form an integral part of it.

SIGNED in Manila in duplicate this 11th day of October 1997.

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

FOR THE GOVERNMENT OF AUSTRALIA

Annex 1

AUSTRALIAN DEVELOPMENT SCHOLARSHIPS ELIGIBILITY CRITERIA

be Filipino citizens;

be under 45 years of age as of 1 January 1998;

hold an undergraduate and/or postgraduate degree at a level to satisfy Australian admission requirements;

have obtained a weighted average of 2.0 (or its equivalent) or better;

enroll in courses in any of the following postgraduate study areas: human development, development financing, agro-industrial development, infrastructure development and development administration;

have never held an Australian Government scholarship; and

NOT be a permanent resident of Australia.

Annex 2

RULES AND REGULATIONS GOVERNING FELLOWSHIPS, SCHOLARSHIPS AND TRAINING GRANTS ABROAD AND THE PRIVILEGES, FINANCIAL OR OTHERWISE, WHICH WILL BE ACCORDED THE RECIPIENTS THEREOF DURING THEIR SOJOURN ABROAD

The GOA and the GOP have mutually determined that the following rules, regulations and privileges will apply to the Australian Development Scholarships (ADS).

Criteria for the Selection of Candidates

1. The candidate must submit a letter of nomination from the Department Secretary or Head of the Office, agency, university, or entity making the nomination. The candidate must also submit a statement from the employing office certifying to the candidate's character.
2. The candidate must have a permanent appointment if a government employee.
3. The candidate must have a college degree related to the field of study or must have sufficient demonstrated ability and experience along the field of study.
4. The candidate must not have a pending application for a scholarship under another program.
5. The candidate must submit a certificate of clearance from the administrative charges, if such have been filed against him/her.
6. Unless the Coordinating Authorities mutually decide otherwise, a candidate must preferably be not more than 45 years old.
7. The candidate must have served at least two (2) years in the government in the field of study being applied for and at least one (1) year of the required service must be in the nominating agency at the time of departure. In exceptional cases, the two-year requirement may be waived by the Special Committee on Scholarships.

8. The candidate must not have enjoyed previously a government sponsored scholarship.

Exception

A candidate who has already enjoyed a government-sponsored scholarship abroad may again be considered for another scholarship if the training being applied for is in the same field and is designed for advancement in the candidate's line of specialisation, provided the candidate has served two (2) years in the government in the same field for which the candidate was trained, from the date of the candidate's return to the start of the training being applied for, unless the trainee was prevented from service by the trainee's employing agency.

In case the two year period has been fully served, the deficiency in the period of service should be made up for by adding the corresponding time to the required years of service in connection with the training being applied for.

9. Where the candidate who has previously gone abroad on a scholarship is applying for a field of training different from that previously enjoyed, there should be at least four (4) years interval between the date of the candidate's return and the start of the new program being applied for.

10. The privileges, financial or otherwise, to be accorded by the GOP (in accordance with GOP national laws and regulations) to recipients of fellowships, scholarships and training grants are as follows:

- (a) Payment of salary for the duration of the grant.
- (b) Monthly living allowance, inclusive of the amount provided by the donor country or institution.
- (c) Clothing allowance, provided the grantee or trainee has not received such an allowance within the twenty-four (24) months prior to the date of his or her departure.
- (d) Pre-departure expenses, such as medical examination, passport, local travel, travel tax fees and other incidental costs.

Obligation of Grantee or Trainee

1. Upon the completion of the trainee's fellowship or training, the participant must return immediately and serve the office which sent the trainee abroad, or any other government office or instrumentality as the exigencies of the service may require, along the field of the trainee's specialisation or training, for a period of not less than two (2) years for every year of fellowship or training or a fraction thereof not less than two (2) months.

This condition must be embodied in a contract which the participant must be required to sign before departure. Failure to sign a contract must not exempt the grantee from the service obligation herein required.

2. The participant must render a report on the training availed of within sixty (60) days upon the participant's return to the Philippines, furnishing a copy both to the Department of Foreign Affairs (Office of Asian and Pacific Affairs) and the National Economic Development Authority.

Other Rules

- 1. A grantee or trainee must be on full-time study status, with all the privileges and restrictions accruing to such status, and must therefore, not be given any other assignment for the duration of grant or training.
- 2. Applications for travel abroad of government officials and employees who are recipients of scholarships, fellowships, assistantships, and training grants, which involve other than usual expenditure on the part of the GOP (as provided in letters a, b, c, and d on the privileges financial or otherwise, accorded recipients of fellowships, scholarships, assistantships, and training grants of these rules) must be considered on a case by case basis within the guidelines set by the Office of the President and Executive Order No. 73, taking into consideration the totality

of the cost of training abroad in which the Philippine contribution must not be a major portion (less than 50%) and taking into account also the following considerations:

- (a) Relevance of the field;
- (b) Non-availability of the field of study in the Philippines; and
- (c) Opportunities to utilise the skills required.

Annex 3

AWARDEE ACCEPTANCE OF AWARD OFFER

File No. _____

AusAID Office Australian Embassy Manila

Dear Sir/Madam:

I acknowledge your award offer under the AusAID Australian Development Scholarships (ADS) to undertake a _____ (name of course) at the _____ (name of institution) and confirm that the type, level and duration of training offered are acceptable to me.

I agree to abide by all the conditions of my award as determined by the Australian Agency for International Development.

I authorise the Australian Agency for International Development, _____ State Office to request and obtain from the institution at which I am undertaking a course of study or training such details of my past academic progress and examination as may be required.

I acknowledge that AusAID reserves the right at any stage of my course (including preliminary or qualifying studies) to terminate my award if I fail to make satisfactory progress.

I declare that I am not aware of any personal or family circumstances (e.g., family or financial problems; medical conditions; pregnancy) likely to prejudice my ability to complete this course in minimum time.

I acknowledge that the Australian Government does not provide insurance against injury sustained while I am training in or traveling to Australia and that I have been advised to take out appropriate insurance before I leave the Philippines.

Yours faithfully,

(Name in print/signature of awardee)

Date: _____

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