

**Department of Education and  
Training**

**Instrument of Authorisation**

**Director-General's Powers**

**under**

***Assisted Students (Enforcement of  
Obligations) Act 1951***

(Version 5 – April 2016)

*NOTE: The Executive Director, Legal and Administrative Law Branch must be consulted regarding all proposed amendments to these delegations.*

# INSTRUMENT OF AUTHORISATION

## *Assisted Students (Enforcement of Obligations) Act 1951*

I, Dr Jim Watterston, Director-General of the Department of Education and Training, AUTHORISE the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1, to exercise those powers, function, authorities and duties, conferred or imposed on me under the provisions of the *Assisted Students (Enforcement of Obligations) Act 1951*, which are specified in Column 1 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.

This Instrument of Authorisation is comprised of this page and Schedule 1, comprising 3 pages.

This Instrument of Authorisation revokes any Instrument of Authorisation previously issued with respect to the powers, functions, authorities and duties of the Director-General under the *Assisted Students (Enforcement of Obligations) Act 1951*, set out in Schedule 1.



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**DR JIM WATTERSTON  
DIRECTOR-GENERAL  
DEPARTMENT OF EDUCATION AND TRAINING**

DATED AT BRISBANE THIS 8 day of April, 2016.

**SCHEDULE 1 – Table of Persons Authorised to do actions and make decisions under the *Assisted Students (Enforcement of Obligations) Act 1951***

Schedule 1 – Table of Persons Authorised to do actions and make decisions under the <i>Assisted Students (Enforcement of Obligations) Act 1951</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Description of Authority	Observations / Limitations	Authorised Persons
s.3(2A)	<p><b>Contract relating to assistance</b></p> <p>(1) Where assistance proposed to be given to a person is to be subject to terms and conditions binding upon that person, those terms and conditions shall, subject to the provisions of this Act, be set out in a document called in this Act <i>the contract</i>.</p> <p>(1A) However, it shall not be necessary to set out in the contract any of the provisions of this Act.</p> <p>(2) The parties to the contract shall be the chief executive concerned, on behalf of the Crown, and the assisted student.</p> <p><b>(2A) The contract may be signed for the chief executive by the chief executive’s agent authorised in writing, either generally or in a particular case.</b></p> <p>(3) A person who agrees to accept assistance offered by the Crown shall execute the contract and thereupon shall be bound by each and every term and condition expressed by the contract to be binding upon the person including, if expressed in the contract, a condition requiring the person to perform service as an employee.</p> <p>(4) However, an assisted student who was a minor when the student executed the contract shall not be so bound unless the student’s parent or guardian or if the student has no parent or guardian a stipendiary magistrate shall have endorsed on the contract his or her consent to the execution thereof by that minor.</p> <p>In this Act—  <i>assistance</i>, in relation to an assisted student, includes, but without limit to the generality of the meaning of that term—</p> <p>(a) a scholarship, fellowship, bursary, or exhibition;</p> <p>(b) the payment of money, fares, or allowances, whether payable in respect of the assisted student or of any 1 or more of the student’s dependants, or of that student and any of the student’s dependants;</p>		<ul style="list-style-type: none"> <li>• Assistant Director-General, Human Resources</li> <li>• Executive Director, Organisational Transformation and Capability</li> <li>• Director, Transformation</li> </ul>

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	<p>(c) leave from employment and either with or without the payment in whole or in part of salary or other remuneration.</p> <p><i>assisted student</i> means a person who accepts, or agrees to accept, from the Crown, assistance in order to enable the person to pursue the person's studies.</p>		