

Department of Education

Instrument of Authorisation

Director-General's Powers

under

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

(Version 9 – June 2023)

NOTE: In accordance with the Managing delegations, authorisations and administrative approvals procedure, legislative delegations and authorisations are centrally managed by Policy and Statutory Engagement. Policy and Statutory Engagement must be contacted for all proposed amendments to this delegation.

INSTRUMENT OF AUTHORISATION

Assisted Students (Enforcement of Obligations) Act 1951

I, Michael De'Ath, Director-General of the Department of Education, AUTHORISE the persons who are from time to time the holders of each position specified in **Column 4** of Schedule 1, to exercise those powers and functions 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 2 pages. This Instrument of Authorisation does not permit any sub-authorisation.

This Instrument of Authorisation revokes and replaces any Instrument of Authorisation previously issued with respect to the powers and functions of the Director-General under the *Assisted Students (Enforcement of Obligations) Act 1951*.



MICHAEL DE'ATH
DIRECTOR-GENERAL
DEPARTMENT OF EDUCATION

DATED AT BRISBANE THIS 3rd day of July, 2023.

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>Contract relating to assistance</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>(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.</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— (a) a scholarship, fellowship, bursary, or exhibition; (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>	<p>This power may be exercised in respect of the following student assistance programs only:</p> <ul style="list-style-type: none"> • Pearl Duncan Teaching Scholarships; • Rural and Remote Graduate Teacher Scholarships (General); • Rural and Remote Graduate Teacher Scholarships (STEM); • Turn to Teaching Internship Program; and • Trade to Teaching Internship Program 	<ul style="list-style-type: none"> • Assistant Director-General, People and Chief People Officer • Assistant Director-General, Teaching, Leadership, Rural and Remote • Executive Director, Teaching and Leadership Capability • Executive Director, Business Partnering • Executive Director, Engagement and Talent Acquisition

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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>		