

STATUTORY RULES.

1951. No. .

REGULATIONS UNDER THE EDUCATION ACT 1945.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Education Act 1945*.

Dated this *sixteenth*
day of *February*, 1951.

W. J. McKELL

Governor-General.

By His Excellency's Command,

W. A. Fadden
Acting Prime Minister.

COMMONWEALTH SCHOLARSHIP REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Commonwealth Scholarship Regulations. Citation.

2. These Regulations shall be deemed to have come into operation on the first day of January, 1951. Commencement.

3.—(1.) The Universities Commission (Financial Assistance) Regulations (comprising Statutory Rules 1946, No. 187; Statutory Rules 1947, No. 89 and Statutory Rules 1948, No. 159) are repealed. Repeal.

(2.) Every approval and every determination given or made by the Commission under the Regulations repealed by these Regulations and in force or subsisting immediately prior to the commencement of these Regulations shall be in force or subsisting as if given or made under these Regulations and these Regulations shall apply in relation to those approvals and determinations accordingly.

4. These Regulations are divided into Parts, as follows:— Parts.

Part I.—Preliminary.

Part II.—Commonwealth Scholarships.

Division 1.—General.

Division 2.—Fees and Fares.

Division 3.—Living Allowance: Ordinary Scholarships.

Division 4.—Living Allowance: Mature Age Scholarships.

Part III.—Miscellaneous.

5. In these Regulations, unless the contrary intention appears— Definitions.
“authorized officer” means a person appointed in writing by the Commission as an authorized officer for the purposes of these Regulations;

* Notified in the *Commonwealth Gazette* on 4277.—PRICE 5d.

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- “award” means an educational award and includes a scholarship, bursary or other educational allowance;
- “benefits” means benefits under these Regulations;
- “full-time student” means a student who undertakes a course approved by the Commission as a full-time course on a basis which, in the opinion of the Commission, is a full-time basis;
- “parent”, in relation to a student or an applicant for benefits, includes any person legally responsible for the maintenance of that student or applicant;
- “year” means a period beginning on the first day of January and ending on the next succeeding thirty-first day of December.

PART II.—COMMONWEALTH SCHOLARSHIPS.

Division 1.—General.

6.—(1.) Subject to these Regulations, the Commission may award Commonwealth scholarships to students of the classes specified in the Schedule to these Regulations and benefits, as determined by the Commission in accordance with these Regulations, shall be payable to students awarded Commonwealth scholarships.

(2.) Commonwealth scholarships shall be of two classes, namely, ordinary scholarships and mature age scholarships.

(3.) A student who has not attained the age of twenty-five years at the date on which he first makes application for benefits shall, if his application is successful, be awarded an ordinary scholarship and a student who has attained the age of twenty-five years at the date on which he first makes application for benefits shall, if his application is successful, be awarded a mature age scholarship.

(4.) The number of Commonwealth scholarships to be awarded, and the number to be awarded to students in any of the classes specified in the Schedule to these Regulations, shall be as the Commission determines.

7. A person shall not be eligible for benefits unless he makes an application, in a form approved by the Commission, in respect of each year in which those benefits are desired.

8.—(1.) The Commission or an authorized officer may require an applicant for benefits to furnish, or to cause any other person to furnish, any information in relation to any matter arising out of, or relevant to, his application.

(2.) An applicant shall not be entitled to have his application considered unless all information required under this regulation to be furnished has been furnished as so required.

(3.) An applicant for benefits or any other person shall not furnish to the Commission or to an authorized officer, either in an application for benefits or otherwise in connexion with benefits, any information which is false or misleading in any particular.

Penalty: Fifty pounds or imprisonment for three months.

9.—(1.) Subject to these Regulations, benefits shall be paid at such times and subject to such conditions as are determined by the Commission.

(2.) Benefits shall be paid in such manner as the Treasurer determines.

Division 2.—Fees and Fares.

10. A student who is awarded a Commonwealth scholarship may be granted, in respect of the year for which the scholarship is awarded, payment of all tuition, examination and other fees payable in connexion with his course of study or attendance at a University or approved institution, including any fee payable in respect of the conferring of a degree or diploma, but not including fees the payment of which is voluntary.

11.—(1.) A full-time student who has been awarded a Commonwealth scholarship may be granted, in respect of the year for which the scholarship is awarded—

- (a) reimbursement of the amount by which the cost of a second-class rail fare, for a journey made from the student's home to the training institution to commence training, exceeds Two pounds ten shillings;
- (b) reimbursement of the amount by which the cost of a return second-class rail fare, for a return journey made during the long vacation from the training institution to the student's home, exceeds Five pounds; and
- (c) reimbursement of the amount by which the cost of a second-class rail fare, for a journey made from the training institution to the student's home on completion of training, exceeds Two pounds ten shillings.

(2.) For the purpose of this regulation, "second-class rail fare" means a second-class rail fare at concessional rates, where such rates are available.

12. The total amount payable in any one year to a student under this Division shall be subject to deduction of the amount of any award payable to that student by the Commonwealth or a State, or out of any fund constituted by or administered under the law of the Commonwealth or a State, or from any other source which the Commission thinks it proper to take into account.

Division 3.—Living Allowance: Ordinary Scholarships.

13.—(1.) A full-time student who has been awarded an ordinary scholarship may be granted, in addition to any payment under Division 2 of this Part, a living allowance calculated in accordance with this regulation.

(2.) The annual amount of the living allowance payable to the holder of an ordinary scholarship shall be—

- (a) One hundred and thirty pounds, in the case of a student residing with his parents; or
- (b) One hundred and ninety-five pounds, in the case of a student not residing with his parents,

less the total of—

- (c) an amount calculated at the rate of Three pounds for every Ten pounds by which the adjusted family income of that student exceeds the sum of Four hundred pounds;

Amount of allowance.

(d) the greater of the following amounts:—

- (i) the amount by which money earned or received by him in the long vacation, from employment and from any other award (calculated at a weekly rate), computed week by week, exceeds One pound ten shillings per week; or
 - (ii) the amount by which money received by him from any other award (calculated at a weekly rate) computed week by week exceeds Ten shillings per week; and
- (e) the amount by which money earned or received by him in term and in the short vacations, from employment and from any other award (calculated at a weekly rate), computed week by week, exceeds Ten shillings per week.

(3.) If the amount computed for any week under paragraph (d) or paragraph (e) of the last preceding sub-regulation exceeds the amount of the allowance for that week which the student would receive, but for the deduction of the amount so computed, the amount to be deducted shall be the amount of the allowance for that week.

(4.) In this regulation, “adjusted family income”, in relation to a student, means the taxable incomes received by the student and his parents during the year ended on the thirtieth day of June next preceding the date of his application for benefits, less an amount of—

- (a) One hundred pounds for the first child; and
- (b) Fifty pounds for each other child,

other than the student, who is under the age of sixteen years and is wholly or partly dependent upon his parents, or either of them.

(5.) In calculating the adjusted family income of a student—

- (a) the amount of any award payable to the student by the Commonwealth or a State, or out of any fund constituted by or administered under the law of the Commonwealth or a State, or from any other source which the Commission thinks it proper not to take into account, or the amount of any payment, however described, which, in the opinion of the Commission, is a prize received by the student in relation to his course, shall not be deemed to be part of the adjusted family income of the student;
- (b) the amount of the income, or part of the income, of the student, or of any parent of the student, may, at the discretion of the Commission, be deemed not to be part of the adjusted family income of the student; and
- (c) the income of the student may, at the discretion of the Commission, be deemed to be the adjusted family income of the student.

(6.) In this regulation, “taxable income” means—

- (a) in relation to the year ending on the thirtieth day of June, 1950, assessable income as defined in the *Income Tax Assessment Act 1936-1949* less all deductions allowable under that Act; and

- (b) in relation to any subsequent year, assessable income as defined in the *Income Tax and Social Services Contribution Assessment Act 1936-1950* less all deductions allowable under that Act, other than concessional deductions.

Division 4.—Living Allowance: Mature Age Scholarships.

14.—(1.) A full-time student who has been awarded a mature age scholarship may be granted, in addition to any payment under Division 2 of this Part, a living allowance calculated in accordance with this regulation. Amount of allowance.

(2.) The amount of the living allowance payable to the holder of a mature age scholarship shall be—

(a) One hundred and ninety-five pounds per annum; and

(b) where the student, being a male—

(i) has a wife dependent on him, { One pound four shillings } per week; and

(ii) has a child or children dependent on him, Nine shillings per week in respect of the child, or the first child, under the age of sixteen years; or

(c) where the student, being a female, is a widow, or a married woman who is divorced or who is living apart from her husband under an order for judicial separation or under a duly executed separation agreement, has a child or children dependent on her, Nine shillings per week in respect of the child, or the first child, under the age of sixteen years,

less—

(d) where the student is unmarried, an amount calculated at the rate of Two shillings per week for every Three shillings by which his income for the week exceeds One pound ten shillings; or

(e) where the student is married, an amount calculated at the rate of Two shillings per week for every Three shillings by which the combined income of the student and spouse for the week exceeds Three pounds.

PART III.—MISCELLANEOUS.

15. Every determination of the Commission as to the amount of the income of any person or of any benefits payable to any person shall, subject to any variation at any time by the Commission, be final and conclusive for the purposes of these Regulations. Commission's determination to be final.

16.—(1.) The Commission may, in any case in which it thinks it proper, determine that no benefits, or benefits of a specified amount, shall be paid to a student specified by the Commission and thereupon no benefits, or benefits of the amount specified, shall be payable accordingly. Determinations by Commission as to benefits.

(2.) The Commission may revoke or vary any determination under the last preceding sub-regulation.

17. Notwithstanding anything contained in these Regulations, other than regulation 18, where exceptional circumstances exist in the case of any student and a variation of the amount of any benefits appears to the Commission to be necessary in order to avoid undue hardship, the Commission may at any time vary the amount of the benefits. Variations in cases of hardship.

18. Notwithstanding anything contained in these Regulations, the maximum amount which may be paid by way of living allowance in any one year is— Maximum amounts of allowances.

- (a) to the holder of an ordinary scholarship—an amount calculated in accordance with regulation 13 of these Regulations; and
- (b) to the holder of a mature age scholarship—an amount calculated in accordance with regulation 14 of these Regulations.

THE SCHEDULE.

Regulation 6.

CLASSES OF STUDENTS ELIGIBLE FOR BENEFITS.

(a) Students enrolled at a University in undergraduate degree courses in the faculties of—

Agriculture,
Architecture,
Arts,
Commerce,
Dentistry,
Economics,
Education,
Engineering,
Law,
Medicine,
Music,
Science,
Veterinary Science.

(b) Students enrolled at a University in courses for undergraduate Diplomas of—

Architecture,
Commerce,
Dramatic Art,
Journalism,
Law (Final Certificate),
Music,
Pharmacy,
Physical Education,
Physiotherapy,
Public Administration,
Social Science,
Social Studies.

(c) Students enrolled at a University in courses for the Diploma of—

Dietetics,
Education.

THE SCHEDULE—*continued.*

- (d) Students enrolled at an approved institution in courses of—
Accountancy,
Agriculture (at standards approved by the Commission),
Almshouse,
Architecture,
Art,
Building,
Cartography,
Chiropody,
Commerce,
Commercial Art,
Dentistry,
Dietetics,
Engineering,
Forestry,
Home Science,
Legal Training,
Librarianship (for graduate students only),
Management,
Manual Arts,
Needlecraft,
Nursing Training (at standards approved by the Commission),
Occupational Therapy,
Optometry,
Pharmacy,
Physical Education,
Physiotherapy,
Pre-School Teacher Training,
Psychology,
Public Administration,
Science,
Speech Therapy,
Teacher Training (at standards approved by the Commission).