**Scholarships**

**No. 17 of 1969**

An Act relating to Commonwealth Scholarships and Post-graduate Awards.

[Assented to 9 May 1969]

BE it enacted by the Queen’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

**Short title.**

**1.** This Act may be cited as the *Scholarships Act* 1969.

**Commencement.**

**2.** This Act shall come into operation on a date to be fixed by Proclamation.

**Repeal of the Education Act.**

**3.** The *Education Act* 1945 and the *Education Act* 1959 are repealed.

**Definitions.**

**4.** In this Act, unless the contrary intention appears—

“course” means a course of study or instruction;

“full-time student” means a student included in a class of students which, under a direction of the Minister, is to be treated as a class of students engaged in full-time study for the purposes of this Act;

“part-time student” means a student other than a full-time student;

“scholarship” means a scholarship or award provided for by this Act.

**Commonwealth Secondary Scholarships.**

**5.**—(1.) Scholarships, to be known as Commonwealth Secondary Scholarships, may, subject to and in accordance with the regulations, be granted by the Minister to persons who are undertaking or propose to undertake, as full-time students at secondary schools in Australia, a course of secondary education at a level approved by the Minister for the purposes of this section.

(2.) In this section, “secondary school” includes any educational institution in Australia which, under a direction of the Minister, is to be treated as a secondary school for the purposes of this section.

**Commonwealth Technical Scholarships.**

**6.**—(1.) Scholarships, to be known as Commonwealth Technical Scholarships, may, subject to and in accordance with the regulations, be granted by the Minister to persons who are undertaking or propose to undertake, as full-time students or part-time students at technical colleges in Australia, any course approved by the Minister for the purposes of this section.

(2.) In this section, “technical college” includes any educational institution in Australia which, under a direction of the Minister, is to be treated as a technical college for the purposes of this section.

**Commonwealth Advanced Education Scholarships.**

**7.**—(1.) Scholarships, to be known as Commonwealth Advanced Education Scholarships, may, subject to and in accordance with the regulations, be granted by the Minister to persons who are undertaking or propose to undertake, as full-time students or part-time students at advanced education institutions, any course approved by the Minister for the purposes of this section.

(2.) In this section, “advanced education institution” means any institution in Australia which, under a direction of the Minister, is to be treated as an advanced education institution for the purposes of this section.

**Commonwealth University Scholarships.**

**8.**—(1.) Scholarships, to be known as Commonwealth University Scholarships, may, subject to and in accordance with the regulations, be granted by the Minister to persons who are undertaking or propose to undertake, as full-time students or part-time students at Universities, any course approved by the Minister for the purposes of this section.

(2.) In this section, “University” means a University in Australia, and includes—

(*a*)a University College in Australia; or

(*b*)any other institution in Australia which, under a direction of the Minister, is to be treated as a University for the purposes of this section.

**Commonwealth Post-graduate Awards.**

**9.** Awards, to be known as Commonwealth Post-graduate Awards, may, subject to and in accordance with the regulations, be granted by the Minister to persons who are undertaking or propose to undertake, as full-time students at Universities, any post-graduate course approved by the Minister for the purposes of this section.

**Benefits to be by way of financial assistance.**

**10.** Benefits under a scholarship shall be by way of the provision by the Commonwealth, in accordance with section 11, 12, 13 or 14 of this Act, of financial assistance to, or for the benefit of, the holder of the scholarship.

**Benefits under Commonwealth Secondary Scholarships.**

**11.** The financial assistance to be provided by the Commonwealth in respect of a Commonwealth Secondary Scholarship shall consist of—

(*a*)the payment by the Commonwealth in respect of each year in which the scholarship is held, for the purpose of assistance in relation to text books and equipment for use by the holder of the scholarship, of such amount as is prescribed for the purposes of this paragraph;

(*b*)the payment by the Commonwealth in respect of each year in which the scholarship is held, for the purpose of assistance in relation to fees of a prescribed kind paid in respect of that year by or in respect of the holder of the scholarship, of whichever is the less of—

(i) an amount equal to the sum of the fees so paid; or

(ii) such amount as is prescribed for the purposes of this subparagraph; and

(*c*) the payment by the Commonwealth of a living allowance in respect of the holder of the scholarship at such rate as is prescribed for the purposes of this paragraph.

**Benefits under Commonwealth Technical Scholarships.**

**12.**—(1.) The financial assistance to be provided by the Commonwealth in respect of a Commonwealth Technical Scholarship of which the holder is a full-time student shall consist of—

(*a*)the payment by the Commonwealth in respect of each year in which the scholarship is held, for the purpose of assistance in relation to text books and equipment for use by the holder of the scholarship, of—

(i) such amount as is prescribed for the purposes of this paragraph; and

(ii) where the Minister is satisfied, in relation to a particular course, that additional assistance should be provided in respect of text books and equipment, such amount as is determined by the Minister in relation to that course;

(*b*)the payment by the Commonwealth in respect of each year in which the scholarship is held, for the purpose of assistance in relation to fees of a prescribed kind paid in respect of that year by or in respect of the holder of the scholarship, of whichever is the less of—

(i) an amount equal to the sum of the fees so paid or, where an amount is payable in respect of that year in relation to the scholarship by virtue of sub-paragraph (ii) of the last preceding paragraph, an amount equal to the sum of the fees so paid and that amount; or

(ii) such amount as is prescribed for the purposes of this subparagraph; and

(*c*) the payment by the Commonwealth of a living allowance in respect of the holder of the scholarship at such rate as is prescribed for the purposes of this paragraph.

(2.) The financial assistance to be provided by the Commonwealth in respect of a Commonwealth Technical Scholarship of which the holder is **a** part-time student shall consist of—

(*a*)the payment by the Commonwealth in respect of each year in which the scholarship is held, for the purpose of assistance in relation to fees of a prescribed kind paid in respect of that year by or in respect of the holder of the scholarship, of whichever is the less of—

(i) an amount equal to the sum of the fees so paid; or

(ii) such amount as is prescribed for the purposes of this subparagraph; and

(*b*)the payment by the Commonwealth in respect of each year in which the scholarship is held, for the purpose of assistance in relation to the other expenses of the holder of the scholarship, of such amount as is prescribed for the purposes of this paragraph.

**Benefits under Commonwealth Advanced Education Scholarships and Commonwealth University Scholarships.**

**13.** The financial assistance to be provided by the Commonwealth in respect of a Commonwealth Advanced Education Scholarship or a Commonwealth University Scholarship shall consist of—

(*a*)the payment by the Commonwealth of amounts equal to fees of a prescribed kind paid or payable by or in respect of the holder of the scholarship;

(*b*)where a living allowance is payable to the holder of the scholarship under the regulations, the payment by the Commonwealth of such an allowance at such rate as is determined in accordance with the regulations; and

(*c*)the payment by the Commonwealth in respect of fares payable by or in respect of the holder of the scholarship of such amounts as are determined in accordance with the regulations.

**Benefits under Commonwealth Post-graduate Awards.**

**14.** The financial assistance to be provided by the Commonwealth in respect of a Commonwealth Post-graduate Award shall consist of—

(*a*)the payment by the Commonwealth, in relation to the cost of the course being undertaken by the holder of the Award, of such amount as is, or such amounts as are, payable in accordance with the regulations;

(*b*)the payment by the Commonwealth of a living allowance at such rate as is determined in accordance with the regulations; and

(*c*) the payment by the Commonwealth of such additional amount as is, or such additional amounts as are, determined by the Minister in relation to the Award.

**Payment of benefits under scholarships.**

**15.** Benefits under a scholarship shall be paid at such times, in such manner and to such person, or to a person included in such class of persons, as the Minister determines.

**Tenure of scholarships.**

**16.** The regulations may make provision for and in relation to the suspension and termination of scholarships.

**Benefits to be paid out of moneys appropriated by the Parliament.**

**17.** Benefits under a scholarship shall be paid out of moneys appropriated by the Parliament for the purpose.

**Approvals, directions and determinations.**

**18.**—(1.) An approval, direction or determination of the Minister under this Act may be varied or revoked by the Minister.

(2.) The Minister shall make such arrangements as he thinks proper for giving public notice of the giving or making by him under this Act of any approval, direction or determination or of any variation or revocation by him of such an approval, direction or determination.

**Delegation.**

**19.**—(1.) The Minister may, by instrument in writing, delegate to a person, either generally or otherwise as provided in the instrument of delegation, all or any of his powers or functions under this Act, except this power of delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation, and, when so exercised or performed, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.

**Annual report.**

**20.** The Minister shall, as soon as practicable after each thirty-first day of December, prepare a report on the operation of this Act during the year that ended on that date (being a report that includes a statement of the number of scholarships of each class awarded during the year) and cause a copy of the report to be laid before each House of the Parliament.

**Transitional provisions—existing scholarships.**

**21.**—(1.)In this section, “existing scholarship” means any Commonwealth Secondary Scholarship, Commonwealth Technical Scholarship, Commonwealth Advanced Education Scholarship, Commonwealth University Scholarship or Commonwealth Post-graduate Award that was granted, but had not terminated, before the commencement of this Act.

(2.) This Act, and, subject to any modifications specified in the regulations as applicable to existing scholarships, the regulations, and, subject to any modifications specified in any direction, approval or determination of the Minister under this Act as applicable to existing scholarships, any such direction, approval or determination, apply to and in relation to existing scholarships.

**Regulations.**

**22.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular—

(*a*)making provision for and in relation to the furnishing of information by applicants for scholarships and the holders of scholarships; and

(*b*)providing for penalties, not exceeding a fine of One hundred dollars, for offences against the regulations.