

Minister for Education, Minister for Industrial Relations and Minister for Racing

Legislative Delegations

Delegation of Minister's Powers

under

Constitution of Queensland 2001

Real Property

(Version 6 – December 2022)

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

INSTRUMENT OF DELEGATION

Constitution of Queensland 2001

I, the Honourable GRACE GRACE MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, under section 55(1) of the *Constitution of Queensland 2001*, DELEGATE those powers and functions conferred or imposed on me under the provisions of the *Constitution of Queensland 2001*, which are specified in **Column 1** of Schedule 1, subject to the limitations (if any) specified in **Column 3** of Schedule 1, to the persons who are from time to time the holders of each position specified in **Column 4** of Schedule 1.

This Instrument of Delegation is comprised of this page, and Schedule 1 comprising 2 pages. No other material forms part of the Instrument.

This Instrument of Delegation revokes and replaces the Instrument of Delegation previously issued by the Minister on 3 May 2022 in relation to real property. However, this instrument does not limit any other Instrument of Delegation previously issued with respect to the powers and functions of the Minister under the *Constitution of Queensland 2001*.



**GRACE GRACE MP
MINISTER FOR EDUCATION,
MINISTER FOR INDUSTRIAL RELATIONS AND
MINISTER FOR RACING**

DATED AT BRISBANE THIS 22nd day of December, 2022.

SCHEDULE 1 – Table of Delegated Powers of Minister
Constitution of Queensland 2001

| Schedule 1 — Table of Minister's Delegated Powers — <i>Constitution of Queensland 2001</i> | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| Reference | Nature of Power | Observations/Limitations | Delegate |
| s.54 and s.55 | <p>Commercial activities by Minister</p> <p>The Minister may carry out commercial activities for the State.</p> | <p>Note: This delegation relates only to real property within the Education, and Early Childhood portfolios of the Minister.</p> <p>Do all that is necessary in the exercise of the Minister's powers to:</p> <ul style="list-style-type: none"> • approve the State of Queensland (through the Department of Education) dealing with an interest in real property, including: <ul style="list-style-type: none"> ○ acquiring real property; ○ disposing of and excising real property owned by the State of Queensland and administered/managed by the Department; ○ entering into a lease of another party's real property; ○ granting of a lease over real property owned by the State of Queensland and administered/managed by the Department; ○ surrendering leases; ○ creating and cancelling reserves; ○ entry into easements, in relation to both a burden or benefit of real property owned by the State of Queensland and administered/managed by the Department; ○ surrendering easements; ○ registering a mortgage over another party's real property, approving release of any such mortgage, approving priorities of mortgages; ○ lodging caveats over real property; ○ registering writs and warrants of execution against real property; ○ amalgamating lots; and ○ creating sub-divided lots within a title. • validly execute, seal and deliver any deeds, contracts, Titles Office or other documents in connection with the transactions above. <p>Where exercising the delegation involves expenditure, the delegated officer can only approve expenditure up to the amount set by the Department's financial authorisations/delegations.</p> <p>Where exercising the delegation involves receipt of revenue, the delegated officer can only approve receipt of revenue up to the amount set by the Department's financial authorisations/delegations.</p> <p>The Delegate must comply with all relevant laws, legislation, and Queensland government and Department of Education policies in relation to the particular real property transaction. In particular, but without limitation, the Queensland Government Land Transaction Policy (current August 2021) may provide for conditions that must be complied with</p> | <p>Director-General, Department of Education</p> <p>Chief Procurement Officer, Procurement and Facilities</p> <p>Deputy Director-General, Infrastructure Services</p> <p>Assistant Director-General, Infrastructure Delivery and Operations</p> <p>Assistant Director-General, Services and Infrastructure Planning</p> <p>Executive Director, Regional Operations</p> <p>Executive Director, Strategy and Service Planning</p> <p>Director, Property Services</p> <p>Director, Housing Infrastructure and Facilities Information</p> |

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| | | <p>and endorsements that must be sought. The <i>Land Act 1994</i> (Qld) and other legislation may also require other processes and approvals.</p> <p>No Subdelegation Although s.55(2) of the <i>Constitution of Queensland 2001</i> allows an officer of the State to subdelegate the delegated power to another appropriately qualified officer of the State, the Delegates in this Instrument must not subdelegate the power delegated to them under this Instrument.</p> | |
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