

Department of Education

Legislative Delegations

Delegation of Minister's Powers

under

Education (General Provisions) Act 2006

(Version 13 – June 2023)

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

Education (General Provisions) Act 2006

I, the Honourable Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, under section 431(1) of the *Education (General Provisions) Act 2006*, DELEGATE those powers and functions conferred or imposed on me under the provisions of the *Education (General Provisions) Act 2006*, 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 11 pages. No other material forms part of the Instrument.

This Instrument of Delegation revokes and replaces any Instrument of Delegation previously issued with respect to the powers and functions of the Minister under the *Education (General Provisions) Act 2006*.



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

DATED AT BRISBANE THIS 29th day of June, 2023.

**SCHEDULE 1 – Table of Delegated Powers of Minister
Education (General Provisions) Act 2006**

Schedule 1 – Table of Minister’s Delegated Powers – Education (General Provisions) Act 2006			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
Chapter 2 – State educational institutions			
Part 1 – State education			
s.12	<p>Provision of State education</p> <p>(1) For each student attending a State instructional institution, there must be provided an educational program approved by the Minister that—</p> <p style="padding-left: 20px;">(a) has regard to—</p> <p style="padding-left: 40px;">(i) the age, ability, aptitude and development of the student; and</p> <p style="padding-left: 40px;">(ii) whether enrolment in the educational program is compulsory or non-compulsory; and</p> <p style="padding-left: 20px;">(b) is an integral element within the total range of educational services offered with the prior approval of the Minister; and</p> <p style="padding-left: 20px;">(c) takes account, and promotes continuity, of the student’s learning experiences; and</p> <p style="padding-left: 20px;">(d) recognises, and takes account of, the nature of knowledge.</p> <p>(2) The duration of the educational program must be based on the basic allocation for a student.</p>		<ul style="list-style-type: none"> • Director-General • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Schools and Student Support • Regional Director • Principal • Principal Advisor - Education Services • Principal Advisor - Regional Services • Director, Regional Services • Director, Education Services • Executive Director, Regional Operations Officer
Part 3 – Amalgamation or closure of State schools			
s.18	<p>Notice of proposed closure or amalgamation</p> <p>If the Minister proposes closing a State school or amalgamating 2 or more State schools, the Minister must publish a notice about the proposal in the gazette.</p>	<p>s.20 - If notice about a proposed closure of a State school or amalgamation of 2 or more State schools is published under s.18, the closure or amalgamation must not happen earlier than 6 months after the publication.</p>	<ul style="list-style-type: none"> • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Schools and Student Support • Deputy Director-General, Infrastructure Services • Assistant Director-General, Services and Infrastructure Planning

Schedule 1 – Table of Minister’s Delegated Powers – <i>Education (General Provisions) Act 2006</i>			
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s.19	<p>Consultation</p> <p>(1) Before closing a State school, there must be adequate consultation by the Minister with each of the following—</p> <p>(a) the school community;</p> <p>(b) if there is a school council for the school—the school council;</p> <p>(c) if there is an association formed for the school—the association.</p> <p>(2) Before amalgamating 2 or more State schools, there must be adequate consultation by the Minister with each of the following—</p> <p>(a) the school communities;</p> <p>(b) if there is a school council established for any of the schools—the school council;</p> <p>(c) if there is an association formed for any of the schools—the association.</p>		<ul style="list-style-type: none"> • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Infrastructure Services • Assistant Director-General, Services and Infrastructure Planning • Deputy Director-General, Schools and Student Support • Regional Director
Part 6 – Miscellaneous provisions			
s.45	<p>Inspection of State educational institution’s premises</p> <p>The Minister may arrange for a State educational institution’s premises to be inspected at a time and in the way the Minister believes appropriate.</p>		<ul style="list-style-type: none"> • Director-General • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Schools and Student Support • Deputy Director-General, Infrastructure Services • Assistant Director-General, Infrastructure Delivery and Operations • Assistant Director-General, Services and Infrastructure Planning • Executive Director, Infrastructure Delivery • Executive Director, Infrastructure Operations • Executive Director, Regional Operations • Director, Portfolio Delivery • Director, Special

Schedule 1 – Table of Minister’s Delegated Powers – <i>Education (General Provisions) Act 2006</i>			
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			Program Delivery <ul style="list-style-type: none"> • Director, New Schools Delivery • Director, Infrastructure Safety • Director, Regional Operations • Infrastructure Manager
s.47	<p>Use of State educational institution’s premises</p> <p>(1) The Minister may permit a person to use a State educational institution’s premises located on reserve land for any purpose, including a purpose not connected with education.</p> <p>(2) Permission may be given under subsection (1) on reasonable conditions the Minister considers appropriate.</p> <p>(3) In this section– <i>reserve land</i> means land dedicated as a reserve under the <i>Land Act 1994</i>, section 31 for educational purposes.</p>		<ul style="list-style-type: none"> • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Schools and Student Support • Assistant Director-General, Disability, Inclusion and Student Services • Regional Director • School Supervisor • Assistant Regional Director • Principal • Deputy Director-General, Infrastructure Services • Assistant Director-General, Infrastructure Delivery and Operations • Assistant Director-General, Services and Infrastructure Planning • Executive Director, Infrastructure Delivery • Executive Director, Regional Operations • Executive Director, Infrastructure Operations • Executive Director, Strategy and Service Planning

Schedule 1 – Table of Minister’s Delegated Powers – Education (General Provisions) Act 2006			
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Chapter 5 – Religious instruction			
s.76	<p>Religious instruction in school hours</p> <p>(1) Any minister of a religious denomination or society, or an accredited representative of a religious denomination or society, which representative has been approved by the Minister for the purpose, shall be entitled during school hours to give to the students in attendance at a State school who are members of the denomination or society of which the person is a minister or the accredited representative religious instruction in accordance with regulations prescribed in that behalf during a period not exceeding 1 hour in each week on such day as the principal of that school appoints.</p> <p>(2) Instruction in accordance with a regulation may be given in State primary and special schools during school hours in selected Bible lessons.</p> <p>(3) A separate reading book shall be provided for such purpose.</p> <p>(4) Instruction of a kind mentioned in subsection (2) is not to include any teaching in the distinctive tenets or doctrines of any religious denomination, society or sect.</p> <p>(5) Notwithstanding anything in this section, any parent of a student in attendance at a State school may withdraw such student from all religious instruction in such school by notification in writing to the principal that the parent desires the student to be so withdrawn.</p> <p>(6) The provisions pursuant to this section shall not apply or extend to students enrolled in the preparatory year at a State school.</p>		<ul style="list-style-type: none"> • Assistant Director-General, Disability, Inclusion and Student Services • Principal
Chapter 7 – Parents and citizens associations			
Part 8 – Relevant agreements			

Schedule 1 – Table of Minister’s Delegated Powers – <i>Education (General Provisions) Act 2006</i>			
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s.137	<p>Power to enter into relevant agreements</p> <p>(1) Despite this Act or another Act, the Minister and an association, acting jointly or severally, may enter into a relevant agreement with any person.</p> <p>(2) If an association alone proposes to enter into a relevant agreement, before entering into the agreement, it must obtain the written approval of the Minister authorising it to enter into the agreement.</p> <p>(3) An approval under subsection (2) may be given—</p> <p>(a) generally for a type of agreement; or</p> <p>(b) for a particular agreement.</p> <p>(4) An association must deal with any money it receives under a relevant agreement—</p> <p>(a) as the Minister directs; or</p> <p>(b) otherwise—as the association believes appropriate, consistent with the objectives of an association.</p> <p>(5) A relevant agreement entered into by an association must contain any conditions required by the Minister by notice—</p> <p>(a) given to the association; or</p> <p>(b) published in the gazette.</p> <p>(6) The conditions may relate to a stated relevant agreement or relevant agreements of a stated type.</p>	<p>This power should be read in conjunction with s.132 – use of money received by an association.</p>	<ul style="list-style-type: none"> Principal
Part 10 – Removal of members and officers of an association			
s.153	<p>Submissions against removal</p> <p>(1) A nominated person for an association (the <i>removed person</i>) removed by the association under section 152 may make a submission against the removal to the Minister.</p> <p>(2) The submission must—</p> <p>(a) be in writing; and</p> <p>(b) include an address in Australia to</p>		<ul style="list-style-type: none"> Assistant Director-General, Disability, Inclusion and Student Services

Schedule 1 – Table of Minister’s Delegated Powers – <i>Education (General Provisions) Act 2006</i>			
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	<p>which notices for the removed person may be sent; and</p> <p>(c) state fully the grounds for the submission and the facts relied on; and</p> <p>(d) include a copy of the notice of removal given to the person.</p> <p>(3) The submission must be given to the Minister—</p> <p>(a) within 14 days of the notice of removal being given to the removed person; or</p> <p>(b) if the Minister allows a later time for giving the submission—the later time.</p> <p>(4) However, if the removed person resigns or purports to resign from the association as a member or officer after receipt of the notice of removal, the removed person may not make a submission under subsection (1).</p>		
s.154	<p>Dealing with submissions against removal</p> <p>(1) If a submission is made by a removed person under section 153, the Minister must, as soon as practicable, consider the decision the subject of the submission (the <i>removal decision</i>) and the submission.</p> <p>(2) After reviewing the removal decision, the Minister must make a further decision (the <i>review decision</i>) to—</p> <p>(a) confirm the removal decision; or</p> <p>(b) amend the removal decision; or</p> <p>(c) substitute another decision for the removal decision.</p> <p>(3) The Minister must, as soon as practicable, give a notice complying with the QCAT Act, section 157(2).</p> <p><i>Note—</i> See chapter 15, part 4 for review of the decision by QCAT.</p>		<ul style="list-style-type: none"> Assistant Director-General, Disability, Inclusion and Student Services

Schedule 1 – Table of Minister’s Delegated Powers – <i>Education (General Provisions) Act 2006</i>			
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Chapter 13 – Schools in receipt of subsidy			
Part 2 – Scholarships and allowances			
s.368	Provision of scholarships and payment of allowances (1) The Minister may, under an approved policy— (a) provide scholarships to be competed for by prospective students, or students, of a school in receipt of subsidy; or (b) pay an allowance to the governing body of a non-State school in receipt of subsidy for its use in the operation of the school; or (c) pay an allowance to a person to offset the person's costs in attending a State school or non-State school; or (d) pay an allowance to a person to offset the person’s costs in receiving home education under Chapter 9, part 5; or (e) pay an allowance to a person operating a student hostel to defray the costs of operating the hostel; or (f) pay an allowance or subsidy to a person to offset the person’s costs in participating in a distance education kindergarten learning program under chapter 19, part 1A. (2) An allowance paid to the governing body of a non-State school under subsection (1)(b) is subject to a condition that the governing body must repay an overpayment to the State in accordance with an approved policy. (2A) The Minister may pay an allowance under subsection (1)(b) on any other reasonable conditions the Minister considers appropriate. (2B) If an overpayment is made to a governing body, the amount of the overpayment is a debt owed by the	The Minister’s powers under s.368(1)(a) and (f) are not delegated.	
		The delegates may only exercise the power at s.368(1)(b) and (2A). The delegate’s power must be exercised in accordance with a policy approved under s.369.	<ul style="list-style-type: none"> • Director-General • Deputy Director-General, Policy, Performance, International and Intergovernmental • Executive Director, External Relations and Research • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Executive Director, Corporate Finance • Director School Financial Support • Manager School Financial Services
		The delegates may only exercise the power at s.368(1)(c). The delegate’s power must be exercised in accordance with a policy approved under s.369.	<ul style="list-style-type: none"> • Director-General • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Schools and Student Support • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Deputy Director-General, Policy, Performance, International and Intergovernmental • Executive Director,

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	governing body to the State and may be recovered from the governing body by the chief executive. (3) In this section— student hostel means a hostel for the accommodation of students attending a school in receipt of subsidy.		<ul style="list-style-type: none"> External Relations and Research • Executive Director, Corporate Finance • Director School Financial Support • Manager School Financial Services
		<p>The delegates may only exercise the power at s.368(1)(d).</p> <p>The delegate’s power must be exercised in accordance with a policy approved under s.369.</p>	<ul style="list-style-type: none"> • Director-General • Executive Director, External Relations and Research • Executive Director, Registration Services (International, Non-State and Home Education) • Manager, Home Education
		<p>The delegates may only exercise the power at s.368(1)(e).</p> <p>The delegate’s power must be exercised in accordance with a policy approved under s.369.</p>	<ul style="list-style-type: none"> • Director-General • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Executive Director, Corporate Finance • Director School Financial Support • Manager School Financial Services
s.369	<p>Minister’s policy</p> <p>(1) The Minister may approve a policy about the following—</p> <ul style="list-style-type: none"> (a) the criteria to be satisfied for the provision of a scholarship, or payment of an allowance, under section 368; (b) the basis for calculating the amount of the scholarship of allowance; (c) how a person may apply to the Minister for the scholarship or allowance; (d) how to deal with an amount the Minister considers is an overpayment, including— 	<p>The delegate’s power may be exercised only in relation to the approval of a policy or program guidelines for the Student Hostel Support Scheme.</p> <p>The chief executive must make a policy approved under this section publicly available in the ways required by s.369(2)-(5).</p>	<ul style="list-style-type: none"> • Director-General

Schedule 1 – Table of Minister’s Delegated Powers – <i>Education (General Provisions) Act 2006</i>			
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	<p>(i) a thing required to be done by an overpaid governing body in relation to repaying the overpayment to the State; and</p> <p>(ii) a process to be followed by the State to recover an overpayment from an overpaid governing body.</p> <p>(2) The chief executive must keep a copy of a policy approved under subsection (1) available for inspection and permit a person—</p> <p>(a) to inspect the policy without fee; and</p> <p>(b) to take extracts from the policy without fee.</p> <p>(3) For subsection (2)—</p> <p>(a) a copy of the policy—</p> <p>(i) must be kept at the head office of the department; and</p> <p>(ii) may be kept at any other place the chief executive considers appropriate; and</p> <p>(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.</p> <p>(4) Also, the chief executive must keep a copy of a policy approved under subsection (1) available for supply to a person and permit a person to obtain a copy of the policy, or a part of the policy, without fee.</p> <p>(5) In addition, the chief executive must keep a copy of a policy approved under subsection (1) on the department’s website.</p>		
Part 3 – Financial data			
s.371	<p>Further information or documents relating to financial data</p> <p>(1) This section applies to the governing body of a non-State school that has given financial data for the school to the Minister under section 370.</p>		<ul style="list-style-type: none"> • Manager, Office of Non-

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	<p>(2) The Minister may by notice given to the governing body require it to give the Minister, within a reasonable time of at least 28 days stated in the notice, further information or a document the Minister reasonably requires about the data.</p> <p>(3) The governing body must comply with the requirement within the stated time.</p>		State Education
Chapter 19 – Miscellaneous			
Part 3 – General			
s.421	<p>Transportation assistance for certain students</p> <p>(1) The Minister may give assistance to an eligible student relating to his or her transportation to or from a school in receipt of subsidy.</p> <p>(2) The ways the Minister may give the assistance include the following—</p> <p>(a) paying to the student, or a parent of the student, all or part of the expenses of the transportation;</p> <p>(b) making payments to a provider of the transportation;</p> <p>(c) helping to organise or coordinate the transportation.</p> <p>(3) In this section— <i>eligible student</i> means a person who—</p> <p>(a) is attending a school in receipt of subsidy; and</p> <p>(b) has a disability that necessitates transport to or from the school by a means that takes account of the disability.</p>	<p>1. The delegation to the Principal is limited to providing assistance in response to an approved application made under <i>Form T4 – Principal authority - temporary residential accommodation (TRA) arrangement</i> in relation to the school transport assistance program for students with disabilities.</p>	<ul style="list-style-type: none"> • Principal (subject to limitation 1) • Manager, Facilities Support Services • Principal Advisor (Education Services) • Principal Education Officer (Student Services)
s.422	<p>Grants to entities</p> <p>The Minister may give a grant to an entity for the purpose of—</p> <p>(a) helping children to achieve their best learning outcomes; or</p>		<ul style="list-style-type: none"> • Director-General • Associate Director-General, Early Childhood and State Schools • Deputy Director-General, Early Childhood • Executive Director, External Relations and

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			Research <ul style="list-style-type: none"> • Executive Director, Program Management, Funding and Performance • Deputy Director-General, Policy, Performance, International and Intergovernmental
	(b) promoting the re-engagement of children in education or training.		<ul style="list-style-type: none"> • Deputy Director-General, Policy, Performance, International and Intergovernmental • Executive Director, External Relations and Research