

**Department of Education**

**Legislative Delegations**

**Delegation of  
Director-General's Powers**

**under**

***Education (General Provisions)  
Regulation 2017***

(Version 13 – Effective Date 1 July 2025)

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

# INSTRUMENT OF DELEGATION

## *Education (General Provisions) Regulation 2017*

I, Sharon Schimming, Director-General of the Department of Education, under section 432 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) Regulation 2017*, 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 12 pages. No other material forms part of the Instrument.

This Instrument of Delegation takes effect on 1 July 2025 (Effective Date). On the Effective Date, this Instrument of Delegation will revoke and replace any Instrument of Delegation previously issued with respect to powers and functions of the Director-General under the *Education (General Provisions) Regulation 2017* (Previous Instrument). Any Previous Instrument will remain in force until the Effective Date.



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**SHARON SCHIMMING**  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF EDUCATION**

DATED AT BRISBANE THIS 26 day of June, 2025.

## SCHEDULE 1 – Table of Delegated Powers of Director-General *Education (General Provisions) Regulation 2017*

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education (General Provisions) Regulation 2017</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 2 - Management of State instructional institutions</b>			
<b>s.8</b>	<p><b>Who is to assume functions and responsibilities of principal if principal absent</b></p> <p>If the principal of a State instructional institution is absent from the institution, 1 of the following persons must assume the functions and responsibilities of the principal during the principal’s absence, until otherwise directed by the chief executive—</p> <p>(a) a deputy principal of the institution;</p> <p>(b) if the principal or the principal’s supervisor nominates another staff member of the institution to assume the functions and responsibilities—the other staff member.</p>		<ul style="list-style-type: none"> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Deputy Director-General, State Schools Strategy</li> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Assistant Director-General – within State Schools Strategy</li> <li>Regional Directors</li> </ul>
<b>s.9</b>	<p><b>Chief executive may give direction or guideline</b></p> <p>(1) The chief executive may give a direction or guideline to a principal, teacher or other person about a function or power given to the principal, teacher or other person under this regulation.</p> <p>(2) The principal, teacher or other person must comply with the direction or guideline.</p>	The delegation of this power is limited to giving a direction or guideline to a State school principal or teacher.	<ul style="list-style-type: none"> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Deputy Director-General, State Schools Strategy</li> </ul>
		Delegate’s power is limited to State schools that fall within their area of administrative responsibility.	<ul style="list-style-type: none"> <li>Regional Director</li> </ul>
<b>Part 3</b>	<b>Property management</b>		
<b>s.13(3), (4) &amp; (5)</b>	<p><b>Permission to use premises</b></p> <p>(1) A person may apply to the chief executive for permission to use the premises of a State educational institution.</p>	<p><b>s.13 applies subject to sections 14 and 15.</b></p> <p>s.47(1) of EGPA 2006 also provides power for the Minister to permit a person to</p>	<ul style="list-style-type: none"> <li>Principal</li> <li>Regional Director</li> <li>Deputy Director-General, School and</li> </ul>

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	<p>(2) The application must—  (a) be in writing; and  (b) if the proposed use of the premises is for a social function at which liquor is to be consumed—include a request for permission to take liquor onto the premises.</p> <p>(3) The chief executive must, as soon as practicable after receiving the application, give the applicant notice of—  (a) the chief executive’s decision on the application; and  (b) if the application includes a request for permission to take liquor onto the premises—the chief executive’s decision on the request.</p> <p>(4) The chief executive can not give permission, under subsection (3), to take liquor onto the premises if the premises are a dry place or a part of a dry place.</p> <p>(5) The permission may be subject to the conditions the chief executive considers appropriate.</p> <p>(6) This section applies subject to sections 14 and 15.</p> <p>(7) In this section—  <b>dry place</b> see the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i>, section 27.</p>	<p>use a State educational institution’s premises located on reserve land for any purpose, including a purpose not connected with education – see Minister’s delegations for EGPA 2006.</p>	<p>Regional Operations and Performance</p>
<b>Part 6</b>	<b>Parents and citizens associations</b>		
<b>s.36(2)</b>	<p><b>Formation of interim parents and citizens association—Act, s 119</b></p> <p>(1) If an interim parents and citizens association is to be formed for a proposed State instructional institution, it must be formed in the way a parents and citizen association must be formed under section 35, as if it were a parents and citizens association.</p> <p>(2) However—  (a) the meeting of eligible persons to consider the formation of the interim parents and citizens association may be called by the chief executive; and</p>		<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Executive Director – within State Schools Strategy</li> </ul>
		Delegates’ power is limited to State schools that fall within	<ul style="list-style-type: none"> <li>Regional Director</li> </ul>

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	(b) for subsection (1), <i>eligible person</i> , in relation to a proposed State instructional institution, means a person who under section 119 of the Act is eligible to be a member of an interim parents and citizens association formed for the proposed State instructional institution.	their area of administrative responsibility.	<ul style="list-style-type: none"> <li>Principal Advisor (Regional Services)</li> <li>Principal Advisor (Education Services)</li> <li>Director Regional Services</li> </ul>
<b>s.38(3)</b>	<p><b>Adoption of constitution—Act, s 131</b></p> <p>(1) The members of an association must adopt a constitution for the association as soon as practicable after the association is formed.</p> <p>(2) The association’s constitution must include provisions about the following—</p> <ul style="list-style-type: none"> <li>(a) the conduct of annual general meetings, general meetings, and special meetings, of the association;</li> <li>(b) the functions of the association’s officers;</li> <li>(c) the procedures about the association’s accounts.</li> </ul> <p>(3) The chief executive may prepare a model constitution for associations.</p> <p>(4) In adopting a constitution for an association, the members of the association must consider the model constitution for associations, if any, prepared under subsection (3).</p>		<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, State Schools Strategy</li> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Executive Director – within State Schools Strategy</li> </ul>
<b>s.47(4)(a)(i)</b>	<p><b>Audit of association’s accounts—Act, s 135</b></p> <p>(1) For section 135(1) of the Act, the person auditing the accounts of an association must be—</p> <ul style="list-style-type: none"> <li>(a) appointed to carry out the audit by the association at an annual general meeting or special meeting of the association; and</li> <li>(b) a suitably qualified person; and</li> <li>(c) to the extent practicable, a member of the local community aware of the activities of the association.</li> </ul> <p>(2) However, if the person is a member of the association, the person may audit the association’s accounts only with the</p>		<ul style="list-style-type: none"> <li>Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer</li> </ul>

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	<p>approval of the chief executive.</p> <p>(3) The person must examine records of collections and payments, cashbooks, minutes of meetings and other records of the association the person considers appropriate.</p> <p>(4) Also, the person must verify with financial institutions with which the association has accounts (the <b><i>financial accounts</i></b>) the financial balance held or owing, at the end of the relevant financial year, so as to be able to certify whether or not in the person’s opinion—</p> <p>(a) the association’s financial statements are—</p> <p>(i) in agreement with the financial accounts; and</p> <p>(ii) in a form that complies with the chief executive’s requirements for the keeping of accounts by an association; and</p> <p>(b) the financial statements have been prepared to present a true and fair view of the association’s transactions for the relevant financial year, and the association’s financial position at the end of that year, on a basis consistent with the basis for preparing the association’s financial statements for the preceding financial year.</p> <p>(5) In this section—  <b><i>public sector entity</i></b> see the <i>Auditor-General Act 2009</i>, schedule.  <b><i>suitably qualified person</i></b> means any of the following persons—</p> <p>(a) a member of CPA Australia Ltd ACN 008 392 452 entitled to use the letters ‘CPA’ or ‘FCPA’;</p> <p>(b) a member of Chartered Accountants Australia and New Zealand ARBN 084 642 571 entitled to use the letters ‘CA’ or ‘FCA’;</p> <p>(c) a member of the Institute of Public Accountants Ltd ACN 004 130 643 entitled to use the letters ‘MIPA’ or ‘FIPA’;</p> <p>(d) an employee of a public sector entity who has the commercial skills and experience to audit the accounts of an association;</p> <p>(e) an employee of an insurance</p>		

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	company, financial institution or other financial or commercial organisation who has the commercial skills and experience to audit the accounts of an association.		
<b>s.50</b>	<b>Activities</b>  If the object of an activity of an association formed for a State instructional institution is, or includes, 1 or more of the following matters, the consent of the chief executive of a department that deals with the matter must be obtained before the activity is carried out— (a) the construction of improvements to the institution’s premises; (b) the addition of a fixture to the institution’s premises; (c) the purchase of furniture for the institution.		<ul style="list-style-type: none"> <li>Deputy Director-General, Infrastructure Services</li> <li>Assistant Director-General, Infrastructure Delivery and Operations</li> <li>Executive Director, Infrastructure Delivery</li> <li>Executive Director, Regional Operations</li> <li>Director, Regional Operations</li> </ul>
		For projects that are planned not to exceed \$50,000.  For example, a project may be to refurbish the school tuckshop. This may consist of several planned transactions which totalled together do not exceed \$50,000.	<ul style="list-style-type: none"> <li>Infrastructure Manager</li> </ul>
<b>s.51(2)</b>	<b>Conduct of tuckshop or other amenity</b>  (1) An association formed for a State instructional institution may conduct at the institution’s premises a tuckshop or other amenity if the association believes the amenity is likely— (a) to help staff members of the institution in their professional duties; or (b) to help students of the institution in their studies.  (2) The chief executive may, by notice to an association formed for a State instructional institution, order— (a) closure of an amenity conducted by the association, if the chief executive believes the		<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Executive Director – within State Schools Strategy</li> </ul>
		Delegate’s power is limited to State schools that fall within their area of administrative	<ul style="list-style-type: none"> <li>Regional Director</li> </ul>

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	<p>amenity—</p> <p>(i) is not helping, or is hindering, staff members of the institution in their professional duties; or</p> <p>(ii) is not helping, or is hindering, students of the institution in their studies; or</p> <p>(b) immediate closure of an amenity conducted by the association, if the chief executive believes—</p> <p>(i) the amenity is not helping, or is hindering, staff members or students of the institution in the way mentioned in paragraph (a)(i) or (ii); and</p> <p>(ii) it is necessary, in the interests of the health or safety of staff members or students of the institution, to immediately close the amenity.</p> <p>(3) A notice ordering closure of an amenity under subsection (2)(a) must state—</p> <p>(a) the day, not less than 28 days after the association receives the notice, on which the amenity must be closed; and</p> <p>(b) the reasons the chief executive believes the amenity is not helping, or is hindering, staff members or students of the institution in the way mentioned in subsection (2)(a)(i) or (ii); and</p> <p>(c) that the association may, under section 52, within 28 days after receiving the notice, ask the Minister to review the chief executive’s decision to order closure of the amenity.</p> <p>(4) A notice ordering immediate closure of an amenity under subsection (2)(b) must state—</p> <p>(a) that the amenity must be immediately closed; and</p> <p>(b) the reasons the chief executive believes the amenity is not helping, or is hindering, staff members or students of the institution in the way mentioned in subsection (2)(b)(i) or (ii); and</p> <p>(c) the reasons the chief executive believes it is necessary, in the</p>	responsibility.	

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	<p>interests of the health or safety of staff members or students of the institution, to immediately close the amenity; and</p> <p>(d) that the association may, under section 52, within 28 days after receiving the notice, ask the Minister to review the chief executive’s decision to order immediate closure of the amenity.</p> <p>(5) An association that receives a notice under subsection (2)(a) or (b) must comply with the order in the notice.</p> <p>(6) Despite subsection (5), if an association receives a notice ordering closure of an amenity under subsection (2)(a) and asks the Minister under section 52 to review the chief executive’s decision to order closure of the amenity, the association may continue to conduct the amenity until it receives notice of the Minister’s decision on the review.</p>		
<b>Part 7</b>	<b>Dissolution of school council for a State School</b>		
<b>Division 3</b>	<b>When chief executive may dissolve school council</b>		
<b>s.58(1)(a) &amp; (b)</b>	<p><b>Dissolution by chief executive</b></p> <p>(1) Subject to section 59, a school council is dissolved if—</p> <p>(a) the chief executive considers—</p> <p>(i) the council is not satisfactorily fulfilling its functions; or</p> <p>(ii) the school community generally supports the dissolution of the council; and</p> <p>(b) the chief executive publishes a notice in the gazette stating that the council is dissolved.</p> <p>(2) The council is dissolved from—</p> <p>(a) the day the notice is published in the gazette; or</p> <p>(b) if a later day is stated in the notice—the later day.</p>		<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, State Schools Strategy</li> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Executive Director – within State Schools Strategy</li> </ul>
		<p>Delegate’s power is limited to councils of schools other than Independent Public Schools.</p> <p>Delegate’s power is limited to State schools that fall within their area of administrative</p>	<ul style="list-style-type: none"> <li>Regional Director</li> </ul>

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		responsibility.	
s.59(2), (3), (4) & (6)	<b>Chief executive to consult and invite representations</b>  (1) Before the chief executive may dissolve, under section 58, a school council for a State school, the chief executive must comply with this section.  (2) The chief executive must consult with each of the following about the proposed dissolution— (a) the council; (b) the school’s principal; (c) the school’s other staff members; (d) if there is an association for the school—the association; (e) if the school has secondary education students—the secondary education students; (f) any other entities the chief executive considers have an interest in the council or its dissolution.  (3) For subsection (2), the chief executive may consult in any way the chief executive considers appropriate, including, for example, by holding a formal meeting.  (4) The chief executive must publish in the school’s newsletter a notice— (a) stating that the chief executive is considering dissolving the council; and (b) stating the reasons for the proposed dissolution; and (c) inviting members of the school community to make written representations to the chief executive about the proposed dissolution within a stated time of at least 28 days after the day the notice is published in the school’s newsletter.  (5) A member of the school community may make written representations to the chief executive about the proposed dissolution within the stated time.  (6) Before making a decision about dissolving the school council, the chief executive must consider the chief		<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, State Schools Strategy</li> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Executive Director – within State Schools Strategy</li> </ul>
		Delegate may only exercise power in respect of State schools that fall within their area of administrative responsibility.  Delegate’s power is limited to councils of schools other than Independent Public Schools.	<ul style="list-style-type: none"> <li>Regional Director</li> </ul>

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	executive’s consultations under subsection (2), and any written representations made to the chief executive under subsection (4) (c), about the proposed dissolution.		
<b>Part 8</b>	<b>Miscellaneous</b>		
<b>s.62(1), (2), (5)</b>	<p><b>Report about State school student, or former State school student, for particular proceedings or in particular circumstances</b></p> <p>(1) The chief executive may give a person a report about a State school student, or former State school student, only—</p> <ul style="list-style-type: none"> <li>(a) if authorised by a court or tribunal for particular proceedings; or</li> <li>(b) if the student is a child, with the consent of a parent of the child; or</li> <li>(c) if the student is an adult, with the consent of the student; or</li> <li>(d) if required or permitted by an Act or another law.</li> </ul> <p>(2) However, the chief executive may give a person a report about a State school student, or former State school student, without the consent required under subsection (1)(b) or (c) if the chief executive is satisfied—</p> <ul style="list-style-type: none"> <li>(a) either— <ul style="list-style-type: none"> <li>(i) the person requesting the report has a sufficient interest in the subject matter of the proposed report; or</li> <li>(ii) if the person requesting the report is a professional person acting for a client of the professional person—the client has a sufficient interest in the subject matter of the proposed report; and</li> </ul> </li> <li>(b) either— <ul style="list-style-type: none"> <li>(i) the proposed report is not detrimental to the student; or</li> <li>(ii) despite the proposed report being detrimental to the student, on balance, the public interest is better served by the report being given.</li> </ul> </li> </ul> <p>(3) Subsection (1) does not apply to the giving of a report about a State school student, or former State school student,</p>		<ul style="list-style-type: none"> <li>• Principal</li> </ul>

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	<p>in the course of the administration of the school.</p> <p>(4) On giving a person a report under subsection (1)(b), (c) or (d), the person must pay the fee mentioned in schedule 1 for preparation of the report.</p> <p>(5) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person.</p>		
s.66(1), (3)	<p><b>Policy about sale of particular items at premises of State instructional institution</b></p> <p>(1) The chief executive may make a policy about the sale of particular items, including, for example, food and drink, at the premises of a State instructional institution.</p> <p>(2) The principal of a State instructional institution must comply with the policy.</p> <p>(3) The chief executive must—</p> <p>(a) publish the policy on the department’s website; and</p> <p>(b) keep a copy of the policy available for inspection by the public at the head office of the department during ordinary office hours on business days.</p> <p>(4) A person may, without payment of a fee, obtain a copy of the policy from the chief executive.</p> <p>(5) In this section— <b>sale</b> includes offering for sale.</p>		<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, State Schools Strategy</li> <li>Deputy Director-General, School and Regional Operations and Performance</li> <li>Assistant Director-General – within State Schools Strategy</li> </ul>
s.71(4), (5)	<p><b>Refund of part of fee paid for distance education—Act, s 434</b></p> <p>(1) This section applies if, because of a change in the personal circumstances of a person for whom a fee mentioned in section 52(2) of the Act, was paid in relation to the person’s enrolment for a school year, the person is—</p> <p>(a) no longer enrolled in a program of distance education at a State school; or</p> <p>(b) no longer enrolled to undertake a component of a program of</p>	<p>71(5) If the delegate decides to refund part of the fee the delegate must calculate the refund payable in accordance with departmental policy published on the department’s website.</p> <p>71(6) For calculating the refund, the person’s enrolment in, or undertaking of a component of, the program of distance education is taken to have</p>	<ul style="list-style-type: none"> <li>Principal</li> </ul>

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	<p>distance education at a State school.</p> <p>(2) The person or, if another person paid the fee, the other person, may apply to the chief executive for a refund of part of the fee.</p> <p><i>Note—</i> The application is not for a stated amount of refund. See subsections (5) and (6) for how to calculate a refund payable under this section.</p> <p>(3) The application must—  (a) be made in writing before the end of semester 1 of the school year to which the fee relates; and  (b) give details of the change in the person’s personal circumstances.</p> <p><i>Example of a change in personal circumstances—</i>  a change in the person’s residence because of a transfer in the employment of a parent of the person</p> <p>(4) The chief executive may refund part of the fee if the chief executive is satisfied it is appropriate and reasonable to do so because of the change in the person’s personal circumstances.</p> <p>(5) If the chief executive decides to refund part of the fee, the chief executive must calculate the refund payable in accordance with the departmental policy for calculating the refund published on the department’s website.</p> <p>(6) For calculating the refund, the person’s enrolment in, or enrolment to undertake a component of, the program of distance education is taken to have ended on the day the application was made.</p>	<p>ceased on the day the application was made.</p> <p>72(1) If the delegate decides not to grant application for refund, the delegate must give the applicant notice of the reasons for the decision.</p>	
s.72	<p><b>Refused application for refund of part of fee for distance education</b></p> <p>(1) If the chief executive decides not to grant an application made under section 71, the chief executive must give the applicant notice of the decision and the reasons for it.</p> <p>(2) The applicant may, within 14 days</p>	<p>72(3)(a) The person appointed must not be the person who made the original decision.</p> <p>72(3)(b) The person appointed must not be in a less senior position in the department than the person who made the decision.</p>	<ul style="list-style-type: none"> <li>Deputy Director-General, Corporate and Aboriginal and Torres Strait Islander Services</li> <li>Deputy Director-General, School and Regional Operations</li> </ul>

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	<p>after the notice is given, apply to the chief executive for a reconsideration of the decision.</p> <p>(3) Unless the chief executive made the decision personally, the chief executive must ensure the decision is not reconsidered by—</p> <p>(a) the person who made the decision; or</p> <p>(b) a person in a less senior office in the department than the person who made the decision.</p>		<p>and Performance</p> <ul style="list-style-type: none"> <li>Assistant Director-General – within State Schools Strategy</li> </ul>
		Delegates’ power is limited to State schools that fall within their area of administrative responsibility.	<ul style="list-style-type: none"> <li>Regional Director</li> <li>Principal Advisor (Education Services)</li> <li>Principal Advisor (Regional Services)</li> <li>Director Regional Services</li> </ul>
s.76	<p><b>Fee for criminal history check for application for enrolment as mature age student—Act, s155B</b></p> <p>(1) For section 155B(1)(b) of the Act, the fee mentioned in schedule 6 is prescribed.</p> <p>(2) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person liable to pay it.</p>	Delegates’ power is limited to State school that falls within their area of administrative responsibility.	<ul style="list-style-type: none"> <li>Principal of prescribed mature age student school</li> </ul>