

Department of Education

Legislative Delegations

Delegation of Director-General's Powers as Principal Officer

under

Evidence Act 1977

(Version 3 – January 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

Evidence Act 1977

I, Sharon Schimming, Acting Director-General and principal officer of the Department of Education, under section 134A(4A) of the *Evidence Act 1977*, DELEGATE those powers and functions conferred or imposed on me under the provisions of the *Evidence Act 1977*, 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 3 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 Director-General as principal officer under the *Evidence Act 1977*.



SHARON SCHIMMING
ACTING DIRECTOR-GENERAL AND PRINCIPAL OFFICER
DEPARTMENT OF EDUCATION

DATED AT BRISBANE THIS 28 day of January, 2025

SCHEDULE 1 – Table of Delegated Powers of Director-General as Principal Officer of the Department of Education
Evidence Act 1977

Schedule 1 – Table of Director-General’s Delegated Powers as Principal Officer of the Department of Education – Evidence Act 1977			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
Part 8 – Miscellaneous			
s.134A	<p>Production of documents by agencies in relation to civil proceedings</p> <p>(1) A person who is a party to a civil proceeding may make written application to the principal officer of an agency to produce for inspection a document that—</p> <p style="padding-left: 20px;">(a) is in the possession of, or under the power of, the agency; and</p> <p style="padding-left: 20px;">(b) is relevant to an issue in the proceeding;</p> <p>if the agency, the principal officer, or a member, officer or employee of the agency, could be ordered, on the application of the person, to produce the document in the proceeding.</p> <p>(2) The principal officer may permit the person, on payment of the prescribed fee, to inspect the document, and take a copy of, or an extract from, the document, at a time and place nominated by the principal officer.</p> <p>(3) If the principal officer permits the person to inspect and take a copy of, or an extract from, the document, the principal officer, and all persons acting on behalf of the principal officer, are entitled to the same protection as they would have had if the acts concerned had been carried out in obedience to a process of the Supreme Court.</p> <p>(4) The principal officer is not required to notify another party to the proceeding of—</p> <p style="padding-left: 20px;">(a) the making of the application; or</p> <p style="padding-left: 20px;">(b) any action taken in relation to the application.</p>		<ul style="list-style-type: none"> • Policy Officer, Legal Services • Legal Officer, Legal Services • Lawyer, Legal Services • Information Officer, Legal Services • Principal Information Officer, Legal Services • Senior Lawyer, Legal Services • Principal Lawyer, Legal Services • Principal Legal Officer, Legal Services • Manager, Information Release, Legal Services • Director, Legal Services • General Counsel, Legal Services

**Schedule 1 – Table of Director-General’s Delegated Powers as Principal Officer of the Department of Education
– Evidence Act 1977**

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(4A) The principal officer may delegate his or her powers under this section to an officer or employee of the principal officer’s agency.</p> <p>(5) Subject to subsection (6), this section does not affect—</p> <p> (a) the operation of any law relating to the disclosure or nondisclosure of information; or</p> <p> (b) the operation of another law that authorises the inspection or copying of a document otherwise than as provided in this section; or</p> <p> (c) the power of a court to order the inspection or production of a document.</p> <p>(6) If a document mentioned in subsection (1) is a document that contains information to which the <i>Hospital and Health Boards Act 2011</i>, section 142(1) applies, the document is, for the purposes of section 143 of that Act, information that is required or permitted to be given under this Act.</p> <p>(7) In this section—</p> <p>agency means—</p> <p> (a) a department; or</p> <p> (b) a public authority, other than a prescribed entity, within the meaning of the <i>Right to Information Act 2009</i>, section 16; or</p> <p> (c) a person or body declared by regulation to be an agency; but does not include a person or body declared by regulation not to be an agency.</p> <p>principal officer means—</p> <p> (a) in relation to a department—the chief executive of the department; or</p> <p> (b) in relation to an agency for which a regulation declares an officer to be the principal officer—the holder of the office; or</p> <p> (c) in relation to another agency—</p> <p> (i) if it is an incorporated body</p>		

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	<p>that has no members—the person who manages the body’s affairs; or (ii) if it is a body (whether or not incorporated) that is constituted by 1 person—the person; or (iii) if it is a body (whether or not incorporated) that is constituted by 2 or more persons—the person who is entitled to preside at a meeting of the body at which the person is present.</p> <p>.</p>		