

**Department of Education**  
**Legislative Delegations**

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

**under**

***Education and Care Services***  
***Regulation 2013***

(Version 10 – 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 and Care Services Regulation 2013*

I, Michael De' Ath, Director-General of the Department of Education, under section 240(1) of the *Education and Care Services Act 2013*, DELEGATE, those powers and functions conferred or imposed on me under the provisions of the *Education and Care Services Regulation 2013*, 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 does not authorise the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1 to sub-delegate any of the powers and functions specified in Column 1 of Schedule 1.

This Instrument of Delegation revokes and replaces any Instrument of Delegation previously issued with respect to the powers and functions of the Director-General under the *Education and Care Services Regulation 2013*.



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**MICHAEL DE'ATH**  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF EDUCATION**

DATED AT BRISBANE THIS 3rd day of July, 2023.

**SCHEDULE 1 – Table of Delegated Powers of Director-General  
Education and Care Services Regulation 2013**

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education and Care Services Regulation 2013</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 4 – Conduct of QEC approved services</b>			
<b>Division 3 – Physical environment</b>			
s.29(3)	<p><b>General requirements for indoor space—Act, s 244(2)(e)</b></p> <p>(1) The Queensland approved provider of a QEC approved service must ensure that, for each QEC service child, the QEC service premises has at least 3.25 square metres of unencumbered indoor space.</p> <p>Maximum penalty—5 penalty units.</p> <p>(2) In calculating the area of unencumbered indoor space—</p> <p>(a) the following areas are to be excluded—</p> <p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children; and</p> <p>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the QEC service.</p> <p>(3) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the chief executive.</p> <p>(4) A verandah that is included in calculating the area of outdoor space can not be included in calculating the area of indoor space.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

**Schedule 1 – Table of Director-General’s Delegated Powers – *Education and Care Services Regulation 2013***

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
s.32(4)(a)	<p><b>General requirements for outdoor space—Act, s 244(2)(e)</b></p> <p>(1) The Queensland approved provider of a QEC approved service must ensure that, for each QEC service child, the QEC service premises has at least 7 square metres of unencumbered outdoor space. Maximum penalty—5 penalty units.</p> <p>(2) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—                      (a) any pathway or thoroughfare, other than where used by children as part of an educational program provided by the QEC service;                      (b) any car parking area;                      (c) any storage shed or other storage area;                      (d) any other space that is not suitable for children.</p> <p>(3) A verandah that is included in calculating the area of indoor space can not be included in calculating the area of outdoor space.</p> <p>(4) An area of unencumbered indoor space may be included in calculating the outdoor space of a school age care service if—                      (a) the chief executive has given written approval; and                      (b) that indoor space has not been included in calculating the indoor space under section 29.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>Part 7 – Miscellaneous</b>			
s.71	<p><b>Fees</b></p> <p>(1) The fees payable under the Act are stated in schedule 1.</p> <p>(2) For schedule 1, items 12 and 14 the maximum fee for copying is \$400.00 for each item.</p> <p>(3) The chief executive may waive, reduce, defer or refund a fee if the chief</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

**Schedule 1 – Table of Director-General’s Delegated Powers – *Education and Care Services Regulation 2013***

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	executive considers that there are exceptional circumstances to do so.		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>