

**Department of Employment, Small  
Business and Training**

**Legislative Delegations**

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

**under**

***Further Education  
and Training Regulation 2014***

(Version 2 – December 2019)

# INSTRUMENT OF DELEGATION

## *Further Education and Training Regulation 2014*

I, Peter McKay, Acting Director-General of the Department of Employment, Small Business and Training, pursuant to section 193(1) of the *Further Education and Training Act 2014*, HEREBY DELEGATE to the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1, those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the **Further Education and Training Regulation 2014**, which are specified in Column 1 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.

This Instrument of Delegation permits the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1 to sub-delegate the powers, functions, authorities or duties specified in Column 1 of Schedule 1.

This Instrument of Delegation is comprised of this page, and Schedule 1 comprising three pages. No other material forms part of the Instrument. Appendix 1 – Director-General’s Powers Not Delegated is provided as a guide to the powers of the Director-General which can only be exercised personally by the Director-General.

This Instrument of Delegation revokes all Instruments of Delegation and Sub-delegation previously issued with respect to the powers, functions, authorities and duties of the Director-General under the **Further Education and Training Regulation 2014**.



**PETER MCKAY**  
**ACTING DIRECTOR-GENERAL**  
**DEPARTMENT OF EMPLOYMENT, SMALL BUSINESS AND TRAINING**

DATED AT BRISBANE THIS 11<sup>th</sup> day of December, 2019.

**SCHEDULE 1 – Table of delegated Powers of Director-General  
Further Education and Training Regulation 2014**

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 2 – Prescribed matters for Act, chapters 2 and 8</b>			
s.3(1)(e)	<p><b>Requirements for apprenticeship or traineeship—Act, s 8(3)(c)</b></p> <p>(1) For section 8(3)(c) of the Act, a declaration of an apprenticeship or traineeship under section 8(2) of the Act may include the following prescribed requirements for the apprenticeship or traineeship—</p> <p>(a) the level of education a person must have reached before starting the apprenticeship or traineeship;</p> <p>(b) that a person can not start the apprenticeship or traineeship without the prior approval in writing of a nominated entity for the apprenticeship or traineeship;</p> <p>(c) that a person completing the apprenticeship or traineeship (the <i>relevant apprentice or trainee</i>) must be supervised;</p> <p>(d) if the relevant apprentice or trainee must be supervised—</p> <p>(i) the qualifications and experience the supervisor must have; and</p> <p>(ii) that the supervisor—</p> <p>(A) may also, at a place the apprenticeship or traineeship is being completed, supervise other apprentices or trainees; or</p> <p>(B) must not, at a place the apprenticeship or traineeship is being completed, supervise any other apprentices or trainees; and</p> <p>(iii) for a supervisor who may supervise other apprentices or trainees under subparagraph (ii)(A)—the number of other apprentices or trainees the supervisor may supervise;</p> <p>(e) <u>other requirements relating to the nature and quality of the supervision the chief executive considers relevant.</u></p> <p>(2) In this section—</p> <p><i>nominated entity</i>, for an apprenticeship or traineeship, means an employer group, industry body or regulatory authority nominated in the declaration of the apprenticeship or traineeship under</p>		<ul style="list-style-type: none"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>

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	<p>section 8(2) of the Act.</p> <p><i>Examples of regulatory authorities—</i>                      Office of Fair and Safe Work                      Queensland, Queensland Building                      and Construction Commission,                      Maritime Safety Queensland</p>		
<p>s.4(4)</p>	<p><b>Keeping training record</b></p> <p>(1) Within 14 days after a training plan for an apprentice or trainee is signed by the parties to the training plan, the supervising registered training organisation must give the apprentice or trainee the appropriate training record to be kept for the apprenticeship or traineeship.</p> <p>Maximum penalty—20 penalty units.</p> <p>(2) The training record must be kept by the parties in any way the supervising registered training organisation considers appropriate.</p> <p>(3) The training record is to be in the possession of the apprentice or trainee except when it is required to be produced to a person under the Act.</p> <p>(4) <u>The employer, the supervising registered training organisation or the chief executive may, by reasonable notice, require the apprentice or trainee to produce the training record to the employer, supervising registered training organisation or chief executive—</u></p> <p>(a) <u>for inspection; or</u>                      (b) <u>to enable the record to be kept as required by subsection (6)(b).</u></p> <p>(5) The apprentice or trainee must not contravene the requirement, unless the apprentice or trainee has a reasonable excuse.</p> <p>Maximum penalty—20 penalty units.</p> <p>(6) Where training is required to be delivered by the employer or the supervising registered training organisation, the employer or the supervising registered training organisation must, at reasonable intervals of not more than 3 months—</p> <p>(a) require the apprentice or trainee to produce the training record to have the particulars of the training completed by the apprentice or trainee during the interval entered in it; and                      (b) if the training record is produced—keep the record complete, accurate and up-to-date by entering</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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	<p>the particulars in it.</p> <p>Maximum penalty for subsection (6)—20 penalty units.</p>		
s.5(2)	<p><b>Fees</b></p> <p>(1) The fees payable under the Act are stated in schedule 1.</p> <p>(2) <u>The chief executive may waive payment of a fee stated in schedule 1 if the chief executive considers that there are exceptional circumstances to do so.</u></p> <p>(3) A reference in schedule 1 to an apprenticeship or traineeship includes—</p> <p>(a) employment-based training that was, but is no longer, declared to be an apprenticeship or traineeship under the Act, section 8(2); and</p> <p>(b) employment-based training (however described), of a type similar to an apprenticeship or traineeship, provided for by the repealed Act or another repealed Act relating to apprenticeships or traineeships.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

**APPENDIX 1 –Director-General’s Powers Not Delegated –  
*Further Education and Training Regulation 2014***

Reference	Nature of Power
	NIL