

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

**Legislative Delegations**

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

**under**

***Further Education  
and Training Act 2014***

(July 2024)

# INSTRUMENT OF DELEGATION

## *Further Education and Training Act 2014*

I, Peter McKay, 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 Act 2014*, which are specified in Column 1 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.

The part of the section referencing the powers, functions, authorities, and duties being delegated is underlined in Column 2 of Schedule 1 but must be read in context of the entire section.

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 47 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 powers, functions, authorities and duties of the Director-General under the *Further Education and Training Act 2014*.



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

DATED AT BRISBANE THIS 15<sup>th</sup> day of July, 2024

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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Chapter 2 – Apprentices and trainees</b>			
<b>Part 1 – Declaring apprenticeships or traineeships</b>			
s.8(2)	<p><b>Declaring apprenticeships or traineeships</b></p> <p>(1) This section applies if a person can obtain a qualification or statement of attainment by completing employment-based training with an employer.</p> <p>(2) The chief executive may declare the employment-based training leading to the qualification or statement of attainment to be an apprenticeship or traineeship.</p> <p>(3) A declaration under subsection (2)—</p> <p>(a) must be in writing; and</p> <p>(b) must be published on the department’s website; and</p> <p>(c) may include requirements prescribed by regulation for the apprenticeship or traineeship.</p> <p>(4) Without limiting subsection (3)(c), the requirements may include the following for the apprenticeship or traineeship—</p> <p>(a) the minimum hours of paid employment;</p> <p>(b) whether it is to be completed on a full-time or part-time basis;</p> <p>(c) whether it may be completed by a student at a school;</p> <p>(d) the number of units of competency that may be completed by a student at a school.</p> <p>(5) A declaration under subsection (2) does not prevent the qualification or statement of attainment being attained in a way other than by completing an apprenticeship or traineeship.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Part 2 – Training contracts</b>			
<b>Division 1 – Preliminary</b>			
s.10(1)	<p><b>Term of training contract</b></p> <p>(1) <u>The chief executive may decide the term (the <i>nominal term</i>) of training contracts for apprenticeships and traineeships.</u></p> <p>(2) Different nominal terms may be decided—</p> <p>(a) for different apprenticeships or traineeships; or</p>	<p><i>Observation—</i></p> <p>Section 23 provides for an extension of the nominal term for a particular apprentice or trainee.</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(b) depending on whether apprenticeships or traineeships are completed during full-time or part-time employment, or while the apprentice or trainee is at school; or</p> <p>(c) for individual apprentices or trainees who have previous experience as an apprentice or trainee; or</p> <p>(d) for individual apprentices or trainees who have previously obtained qualifications or gained relevant work experience.</p> <p>(3) The nominal term of a training contract must include the probationary period for the apprenticeship or traineeship.</p> <p><i>Note—</i>            Section 23 provides for an extension of the nominal term for a particular apprentice or trainee.</p>		
<p><b>s.11(1)</b></p>	<p><b>Probationary period</b></p> <p>(1) <u>The chief executive is to decide the probationary period for apprenticeships and traineeships.</u></p> <p>(2) Different probationary periods may be decided—</p> <p>(a) for different apprenticeships or traineeships; or</p> <p>(b) depending on whether apprenticeships or traineeships are completed during full-time or part-time employment, or while the apprentice or trainee is at school.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<p><b>s.12(4)</b></p>	<p><b>Application to extend probationary period</b></p> <p>(1) The parties to a training contract may apply in the approved form to the chief executive to extend the probationary period for the apprentice or trainee.</p> <p><i>Note—</i>            Section 15 states who are the parties to the contract.</p> <p>(2) However, the probationary period may not be extended past the date that is 6 months from the commencement of the training contract.</p> <p>(3) The application must be received by the chief executive at least 14 days before the end of the probationary period.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(4) However, the chief executive may consider an application received after that time if the chief executive is satisfied exceptional circumstances caused or contributed to the lateness of the application.</p> <p>(5) If the apprentice or trainee is under 18 years, the application must include the signed consent of a parent of the apprentice or trainee.</p> <p>(6) However, subsection (5) does not apply if it would be inappropriate in all the circumstances for a parent to give signed consent.</p> <p><i>Example—</i> It may be inappropriate for a parent to give signed consent if the apprentice or trainee is living independently of his or her parents.</p>		
s.13(1), (2), (3)	<p><b>Decision on application to extend probationary period</b></p> <p>(1) <u>The chief executive must decide an application under section 12 within 7 days after receiving the application.</u></p> <p>(2) <u>If the chief executive decides to grant the application, the chief executive must give the parties to the training contract written notice of the decision.</u></p> <p>(3) <u>If the chief executive decides not to grant the application, the chief executive must give the parties to the training contract written notice of the decision, including the reasons for the decision.</u></p> <p>(4) If the chief executive fails to decide the application within 7 days after receiving it, the failure is taken to be a decision by the chief executive not to grant the application.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Division 2 – Signing and registration of training contracts</b>			
s.16 (1)(b), (2)	<p><b>Employer must ensure training contract is given to chief executive or person authorised</b></p> <p>(1) <u>An employer who is a party to a training contract must take all reasonable steps to ensure the contract is given to either of the following within 28 days after the day the apprenticeship or traineeship starts—</u></p> <p>(a) the chief executive;</p> <p>(b) <u>a person authorised by the chief executive to accept training contracts.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>Maximum penalty—40 penalty units.</p> <p>(2) <u>The chief executive must publish on the department’s website the names and addresses of persons authorised to accept training contracts.</u></p>		
<p>s.17(2), (3), (4), (5), (8), (9), (10)</p>	<p><b>Registering training contracts</b></p> <p>(1) This section applies if the chief executive or a person authorised to accept training contracts receives a signed training contract from an employer under section 16.</p> <p>(2) <u>The chief executive must decide whether to register or refuse to register the training contract.</u></p> <p>(3) <u>The chief executive may, by written notice, request the employer to give, within the reasonable time of not less than 14 days stated in the notice, the additional documents or information the chief executive considers necessary to decide whether to register the training contract.</u></p> <p>(4) <u>The chief executive may refuse to decide whether to register the training contract until the parties supply the requested documents or information.</u></p> <p>(5) <u>The chief executive may register the training contract only if—</u></p> <p>(a) <u>the contract is in the approved form; and</u></p> <p>(b) <u>if the chief executive has requested documents or information under subsection (3)—the employer has supplied the documents or information; and</u></p> <p>(c) <u>the employer is not a prohibited employer whose employment of the apprentice or trainee contravenes the declaration of the employer under section 59; and</u></p> <p>(d) <u>if the employer is actively employing 25 or more apprentices and trainees under a hosting arrangement—the employer is a group training organisation or principal employer organisation; and</u></p> <p>(e) <u>the apprentice or trainee is not prohibited under an Act or law from undertaking paid employment; and</u></p> <p><i>Example for paragraph (e)—</i></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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

Column 1 Reference	Column 2 Nature of Power	Column 3 Observations / Limitations	Column 4 Delegate
	<p><u>an apprentice or trainee who holds a visa that prohibits him or her from working while in Australia.</u></p> <p>(f) <u>a registered training organisation has—</u></p> <p style="padding-left: 20px;">(i) <u>accepted the nomination to be the supervising registered training organisation for the apprentice or trainee; and</u></p> <p style="padding-left: 20px;">(ii) <u>undertaken to prepare a training plan, including an employer resource assessment; and</u></p> <p>(g) <u>if the apprentice or trainee is a school student—the chief executive is satisfied it is appropriate in all the circumstances for the training contract to be registered.</u></p> <p>(6) For subsection (5)(g), in deciding whether it is appropriate to register the training contract, the chief executive must have regard to the following—</p> <p style="padding-left: 20px;">(a) the age and year of schooling of the student;</p> <p style="padding-left: 20px;">(b) whether the student’s school supports the contract;</p> <p style="padding-left: 20px;">(c) other matters that may be relevant for deciding whether the training contract is suitable for the student.</p> <p>(7) In subsection (6)(b), a reference to the student’s school is, for a student registered for home education under the <i>Education (General Provisions) Act 2006</i>, a reference to the chief executive of the department administering that Act.</p> <p>(8) <u>If the chief executive registers the training contract, the chief executive must give the parties to the contract written notice that the contract is registered.</u></p> <p>(9) <u>If the chief executive refuses to register the training contract, the chief executive must give each party written notice of the decision, including the reasons for the decision.</u></p> <p>(10) <u>If the chief executive refuses to register the training contract, the contract and the apprenticeship or traineeship to which it relates end on—</u></p> <p style="padding-left: 20px;">(a) <u>the day stated in the written notice of the decision as the day the decision has effect; or</u></p>		



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(b) <u>an earlier day agreed to by the parties.</u></p> <p>(11) In this section—  <i>home education</i> has the meaning given in the <i>Education (General Provisions) Act 2006</i>, section 205.</p>		
<b>Division 3 – Amending registered training contract</b>			
<p>s.20(6), (7), (8), (9), (10)</p>	<p><b>Amending registered training contract</b></p> <p>(1) Except as provided for in sections 13, 21, 22 and 23, a registered training contract may only be amended with the approval of the chief executive obtained under this section.</p> <p>(2) The parties to the registered training contract may apply to the chief executive for approval of an amendment to the contract.</p> <p>(3) The application must be in the approved form and state—</p> <p style="padding-left: 20px;">(a) the proposed amendment; and</p> <p style="padding-left: 20px;">(b) the reasons for the proposed amendment; and</p> <p style="padding-left: 20px;">(c) that the proposed amendment is agreed to by the parties.</p> <p>(4) If the apprentice or trainee under the registered training contract is under 18 years, the application must also be signed by a parent of the person.</p> <p>(5) However, subsection (4) does not apply if it would be inappropriate in all the circumstances for a parent to sign the application.</p> <p><i>Example—</i></p> <p style="padding-left: 20px;">It may be inappropriate for a parent to sign the application if the apprentice or trainee is living independently of his or her parents.</p> <p>(6) <u>The chief executive may, by written notice, request the parties to give, within the reasonable time of not less than 14 days stated in the notice, the additional documents or information the chief executive considers necessary to decide the application.</u></p> <p>(7) <u>The chief executive may refuse to consider the application until the parties give the documents or information requested under subsection (6).</u></p>		<ul style="list-style-type: none"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(8) <u>The chief executive—</u>            (a) <u>must consider the application and any documents or information given as requested under subsection (6); and</u>            (b) <u>may approve the proposed amendment or refuse to approve the proposed amendment.</u></p> <p>(9) <u>If the chief executive decides to approve the proposed amendment, the chief executive must—</u>            (a) <u>update the records held by the department; and</u>            (b) <u>give the parties a signed notice of the approval.</u></p> <p>(10) <u>If the chief executive refuses to approve the amendment, the chief executive must give each party written notice of the decision, including the reasons for the decision.</u></p>		
<p>s.21(1)(b) (ii), (3), (4), (6)</p>	<p><b>Minor amendment of registered training contract</b></p> <p>(1) <u>A party to a registered training contract may give notice of a minor amendment of the contract to—</u>            (a) <u>the other party to the contract; and</u>            (b) <u>either—</u>                (i) <u>the chief executive; or</u>                (ii) <u>a person authorised by the chief executive to accept the notice.</u></p> <p>(2) <u>The notice may be given orally or in writing.</u></p> <p>(3) <u>On receiving the notice, the chief executive or authorised person may approve the amendment and update the department’s records to include it if the chief executive or authorised person is satisfied the amendment is appropriate.</u></p> <p>(4) <u>The chief executive or authorised person may request further information before deciding whether to approve the amendment.</u></p> <p>(5) <u>The amendment takes effect when the department’s records are updated.</u></p> <p>(6) <u>The chief executive must publish on the department’s website the names and addresses of persons authorised to accept notices under this section.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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	<p>(7) In this section— <i>minor amendment</i>, of a registered training contract, means an amendment of the contract that does not alter its substance or effect. <i>Examples of a minor amendment</i>—</p> <ul style="list-style-type: none"> <li>• a party changes the party’s name or address</li> <li>• a correction of a typographical error in a party’s name or address</li> </ul>		
s.22(1), (2)	<p><b>When chief executive may amend registered training contract without application by the parties</b></p> <p>(1) <u>The chief executive may amend a registered training contract without an application by the parties to the contract if the chief executive considers the amendment is necessary to update matters that are no longer correct because of changed circumstances.</u></p> <p><i>Examples of changed circumstances</i>—</p> <ul style="list-style-type: none"> <li>• an apprentice who started his or her apprenticeship while at school continues the apprenticeship after leaving school</li> <li>• the name of a qualification changes because of an update to a national training package</li> <li>• the supervising registered training organisation for the apprentice or trainee changes and it is not reasonably practical for the parties to the registered training contract to give the chief executive notice of the change</li> <li>• the legal entity that is the employer changes for many registered training contracts</li> </ul> <p>(2) <u>The chief executive must update the department’s records to include the amendment.</u></p> <p>(3) The amendment takes effect when the records are updated.</p> <p>(4) The chief executive does not have to give notice of the amendment to the parties.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>
s.23(6), (7), (8), (9)	<p><b>Application for extension of nominal term of registered training contract</b></p> <p>(1) This section applies if the nominal term of a registered training contract is to end before the apprentice or trainee who is a party to the contract</p>		<ul style="list-style-type: none"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1 Reference	Column 2 Nature of Power	Column 3 Observations / Limitations	Column 4 Delegate
	<p>completes the apprenticeship or traineeship.</p> <p>(2) The parties and the supervising registered training organisation for the apprentice or trainee may apply to the chief executive to extend the nominal term.</p> <p>(3) The application must be in the approved form and state—</p> <p style="padding-left: 40px;">(a) that each applicant agrees to an extension of the registered training contract; and</p> <p style="padding-left: 40px;">(b) the reasons for the requested extension.</p> <p>(4) If the apprentice or trainee is under 18 years, the application must include the signed consent of a parent of the apprentice or trainee.</p> <p>(5) However, subsection (4) does not apply if it would be inappropriate in all the circumstances for a parent to sign the application.</p> <p>(6) <u>On receiving the application, the chief executive may approve or refuse to approve the application.</u></p> <p>(7) <u>Despite subsection (6), the chief executive may approve an application made after the end of the nominal term only if the chief executive is satisfied it is appropriate to do so in all the circumstances.</u></p> <p>(8) <u>If the chief executive approves the application, the chief executive must give notice to the parties and the supervising registered training organisation that the nominal term has been extended.</u></p> <p>(9) <u>If the chief executive refuses to approve the application, the chief executive must give the parties and the supervising registered training organisation written notice of the decision, including the reasons for the decision.</u></p> <p>(10) If the nominal term of a training contract is extended, the contract is taken to be similarly extended.</p> <p>(11) If the chief executive approves an application after the end of the nominal term, the training contract and training plan are taken to have continued in force until the approval.</p>		



Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Division 4 – Transfer of registered training contract</b>			
<b>Subdivision 2 – Permanent transfer of registered training contract</b>			
s.27(2), (3), (5), (6)	<p><b>Procedure for deciding application if application by all parties to registered training contract and proposed new employer</b></p> <p>(1) This section applies if an application for the permanent transfer of a registered training contract is made under section 26 by all parties to the contract and the proposed new employer.</p> <p>(2) <u>The chief executive must decide the application within 28 days of receiving it.</u></p> <p>(3) <u>The chief executive may grant the application only if satisfied the criteria mentioned in section 17(5)(c) to (g) are satisfied.</u></p> <p>(4) For subsection (3), section 17(5)(c) to (g) applies with any necessary modifications and as if a reference to registration of the contract were a reference to approval of the application.</p> <p>(5) <u>If the chief executive approves the application, the chief executive must advise the applicants—</u></p> <p style="padding-left: 20px;">(a) <u>that the transfer has been approved; and</u></p> <p style="padding-left: 20px;">(b) <u>of the date from which the transfer takes effect.</u></p> <p>(6) <u>If the chief executive refuses the application, the chief executive must give each of the applicants written notice of the decision, including the reasons for the decision.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.28(2), (3), (6), (7)	<p><b>Procedure for deciding application if application only by apprentice or trainee and proposed new employer</b></p> <p>(1) This section applies if an application for the permanent transfer of a registered training contract is made under section 26 only by the apprentice or trainee and the proposed new employer.</p> <p>(2) <u>The chief executive must give the current employer notice of the application stating that the employer may object in writing to the transfer within 14 days of receiving the notice.</u></p> <p>(3) <u>The chief executive must decide the application within 28 days of receiving it.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(4) In deciding the application the chief executive—</p> <p>(a) must have regard to any objection received from the current employer; and</p> <p>(b) may grant the application only if satisfied the criteria mentioned in section 17(5)(c) to (g) are satisfied.</p> <p>(5) For subsection (4)(b), section 17(5)(c) to (g) applies with any necessary modifications and as if a reference to registration of the contract were a reference to approval of the application.</p> <p>(6) <u>If the chief executive approves the application, the chief executive must advise each of the applicants and the current employer—</u></p> <p>(a) <u>that the transfer has been approved; and</u></p> <p>(b) <u>of the date on which the transfer takes effect.</u></p> <p>(7) <u>If the chief executive refuses the application, the chief executive must—</u></p> <p>(a) <u>advise the current employer of the decision; and</u></p> <p>(b) <u>give each of the applicants written notice of the decision, including the reasons for the decision.</u></p> <p>(8) In this section—  <i>current employer</i> means the employer who is a party to the registered training contract.</p>		
<b>Subdivision 3 – Statutory transfer or cancellation of registered training contract</b>			
s.29(5)	<p><b>Statutory transfer or cancellation of registered training contract</b></p> <p>(1) This section applies if an event mentioned in section 58(1)(a) happens.</p> <p>(2) The registered training contract is taken to have been transferred by the employer who is a party to the contract to the purchaser of the employer’s business on the day agreed between the employer and the purchaser.</p> <p>(3) However, subsection (2) does not apply if the purchaser gives the chief executive written notice, before the sale or disposal of the business takes effect, that the purchaser does not want the registered training contract to be transferred under subsection (2).</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(4) Notice under subsection (3) relates only to the registered training contract and not to the employment by the purchaser of the apprentice or trainee under the contract.</p> <p>(5) <u>If the purchaser gives the chief executive notice under subsection (3), the registered training contract is cancelled, and the chief executive must give the apprentice or trainee written notice of the cancellation.</u></p> <p>(6) If an event mentioned in section 58(1)(b) happens—</p> <p>(a) if the business of the dissolved partnership is continued by 1 person who was a partner of the dissolved partnership—the registered training contract is taken to be assigned to the person when the winding-up of the affairs of the dissolved partnership is complete: or</p> <p>(b) if the business of the dissolved partnership is continued by 2 or more persons who were partners of the dissolved partnership under a new partnership—the registered training contract is taken to be assigned to the persons when the new partnership begins; or</p> <p>(c) if neither paragraph (a) nor (b) applies—the registered training contract is cancelled.</p>		
<b>Division 5 – Suspension of registered training contracts</b>			
<b>Subdivision 1 – Application for suspension by both parties</b>			
s.31(4)(b)	<p><b>Applicant may withdraw consent to the application to suspend</b></p> <p>(1) A party to a registered training contract may, by written notice, withdraw the party’s consent to an application under section 30 within 7 days after the application is given to the chief executive.</p> <p>(2) If the party is the apprentice or trainee under the registered training contract and is under 18 years, the notice must also be signed by a parent of the apprentice or trainee.</p> <p>(3) However, subsection (2) does not apply if it would be inappropriate in all the circumstances for a parent to sign the notice.</p> <p><i>Example—</i></p> <p>It may be inappropriate for a parent to sign the notice if the apprentice or trainee is living</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>independently of his or her parents.</p> <p>(4) If a party to a registered training contract withdraws the party's consent under subsection (1)—</p> <p>(a) the application is taken to have been withdrawn; and</p> <p>(b) <u>the chief executive must give all parties to the contract written notice stating—</u></p> <p>(i) <u>the application has been withdrawn; and</u></p> <p>(ii) <u>the contract continues in force.</u></p>		
s.32(3)	<p><b>Suspension if consent not withdrawn</b></p> <p>(1) This section applies if—</p> <p>(a) an application is made under section 30 to suspend a registered training contract; and</p> <p>(b) section 31 does not apply.</p> <p>(2) The registered training contract is suspended—</p> <p>(a) from the day stated in the application; and</p> <p>(b) for the period stated in the application.</p> <p>(3) <u>The chief executive must give the parties to the registered training contract written notice of the suspension.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Subdivision 2 – Application for suspension by one party</b>			
s.32B(1), (3)	<p><b>Chief executive may request further information</b></p> <p>(1) <u>Within 21 days after receiving the application, the chief executive may give the applicant a written notice asking for further information the chief executive reasonably requires to decide the application.</u></p> <p>(2) The notice must state a reasonable period, of at least 14 days after the day the notice is given, for the applicant to comply with the notice.</p> <p>(3) <u>The chief executive must consider any information given by the applicant within the period stated in the notice.</u></p> <p>(4) The applicant is taken to have withdrawn the application if the applicant does not comply with the notice.</p>	<p><i>Observation—</i></p> <p>A decision about suspension of a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.32C	<p><b>Show cause notice before suspension of registered training contract</b></p> <p>(1) <u>The chief executive must give each party to the registered training contract a notice (a show cause notice) stating the following—</u></p> <p>(a) <u>that an application has been made under section 32A;</u></p> <p>(b) <u>the reasons stated in the application for the proposed suspension;</u></p> <p>(c) <u>if the chief executive proposes to suspend the contract—</u></p> <p>(i) <u>the period of the proposed suspension; and</u></p> <p>(ii) <u>the day the proposed suspension is to take effect;</u></p> <p>(d) <u>if the chief executive proposes not to suspend the contract—the reasons for the decision;</u></p> <p>(e) <u>that the party may, within 14 days after the show cause notice is given, give the chief executive a written response to the proposed suspension.</u></p> <p>(2) <u>Also, if the apprentice or trainee is under 18 years, the chief executive must give the show cause notice to the parent of the apprentice or trainee.</u></p> <p>(3) <u>However, subsection (1) does not apply if the chief executive reasonably considers it is not practicable to give a show cause notice to the party.</u></p> <p>(4) <u>Also, subsection (2) does not apply if it would be inappropriate in all the circumstances for the chief executive to give the show cause notice to the parent of the apprentice or trainee.</u></p>	<p><i>Observation—</i></p> <p>A decision about suspension of a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.32D (1), (2)	<p><b>Decision about suspension</b></p> <p>(1) <u>After having regard to the reasons stated in the application and, if a show cause notice was given, any written responses to the notice made under section 32C(1)(e), the chief executive must decide—</u></p> <p>(a) <u>if satisfied that a party can not perform the party’s obligations under the training contract—to suspend the contract; or</u></p> <p>(b) <u>otherwise—not to suspend the contract.</u></p> <p>(2) <u>The chief executive must give each party an information notice about the decision.</u></p>	<p><i>Observation—</i></p> <p>A decision about suspension of a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(3) If the chief executive decides to suspend the training contract the information notice must state—</p> <p>(a) the period of the suspension; and</p> <p>(b) the day the suspension takes effect.</p>		
<b>Division 5A – Application for temporary suspension by employer and stand down of employment</b>			
s.32F(1), (2), (3)	<p><b>Decision about temporary suspension</b></p> <p>(1) <u>Within 7 days after receiving the application, the chief executive must decide the application.</u></p> <p>(2) <u>After having regard to the reasons stated in the application and any submissions made under section 32E(4), the chief executive must decide—</u></p> <p>(a) <u>if satisfied the employer can not provide the training to the apprentice or trainee under the training contract—to approve the application; or</u></p> <p>(b) <u>otherwise—not to approve the application.</u></p> <p>(3) <u>The chief executive must give each party an information notice about the decision.</u></p> <p>(4) If the chief executive approves the application, the information notice must state the following—</p> <p>(a) the maximum period, of not more than 30 days, over which the training contract may be suspended;</p> <p>(b) the time during the maximum period, or a part of the period, the employer may stand down the apprentice or trainee;</p> <p>(c) the day the period starts.</p> <p>(5) If the training contract is temporarily suspended, the employer may stand down the apprentice or trainee unless the employer and the apprentice or trainee otherwise agree.</p> <p>(6) The employer may stand down the apprentice or trainee without pay under this section only in accordance with the information notice from the chief executive.</p>	<p><i>Observation—</i></p> <p>A decision about temporary suspension of a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Division 6 – Cancellation of registered training contracts</b>			
<b>Subdivision 1 – Cancellation on application by all parties</b>			
s.34(4)(b)	<p><b>Applicant may withdraw consent to the application to cancel</b></p> <p>(1) A party to a registered training contract may, by written notice, withdraw the party’s consent to an application to cancel the contract within 7 days after the application is given to the chief executive.</p> <p>(2) If the party is the apprentice or trainee under the registered training contract and is under 18 years, the notice must also be signed by a parent of the apprentice or trainee.</p> <p>(3) However, subsection (2) does not apply if it would be inappropriate in all the circumstances for a parent to sign the notice.</p> <p><i>Example—</i></p> <p>It may be inappropriate for a parent to sign the notice if the apprentice or trainee is living independently of his or her parents.</p> <p>(4) If a party to a registered training contract withdraws the party’s consent under subsection (1)—</p> <p>(a) the application is taken to have been withdrawn; and</p> <p>(b) <u>the chief executive must give all parties to the contract written notice stating—</u></p> <p>(i) <u>the application has been withdrawn; and</u></p> <p>(ii) <u>the contract continues in force.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.35(3)	<p><b>Cancellation if consent not withdrawn</b></p> <p>(1) This section applies if—</p> <p>(a) an application is made under section 33 to cancel a registered training contract; and</p> <p>(b) section 34 does not apply.</p> <p>(2) The registered training contract is cancelled on the day stated in the application.</p> <p>(3) <u>The chief executive must give the parties to the registered training contract written notice of the cancellation.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Subdivision 1A – Cancellation on application by one party</b>			
s.35B(1), (3)	<p><b>Chief executive may request further information</b></p> <p>(1) <u>Within 21 days after receiving the application, the chief executive may give an applicant a written notice asking for further information the chief executive reasonably requires to decide the application.</u></p> <p>(2) The notice must state a reasonable period of at least 14 days after the day the notice is given for the applicant to comply with the notice.</p> <p>(3) <u>The chief executive must consider any information given by the applicant within the period stated in the notice.</u></p> <p>(4) The applicant is taken to have withdrawn the application if the applicant does not comply with the notice.</p>	<p><i>Observation—</i> A decision to cancel a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.35C	<p><b>Show cause notice before deciding to cancel</b></p> <p>(1) <u>The chief executive must give each party to the registered training contract a notice (a <i>show cause notice</i>) stating the following—</u></p> <p>(a) <u>that an application has been made under section 35A;</u></p> <p>(b) <u>the reasons, as stated in the application, for the proposed cancellation;</u></p> <p>(c) <u>if the chief executive proposes to cancel the contract—</u></p> <p>(i) <u>the reasons for the decision;</u> <u>and</u></p> <p>(ii) <u>the day the cancellation takes effect;</u></p> <p>(d) <u>if the chief executive proposes not to cancel the contract—the reasons for the decision;</u></p> <p>(e) <u>that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation.</u></p> <p>(2) <u>Also, if the apprentice or trainee is under 18 years, the chief executive must give the show cause notice to the parent of the apprentice or trainee.</u></p> <p>(3) <u>However, subsection (2) does not apply if it would be inappropriate in all the circumstances for the chief executive to give the show cause notice to the parent of the apprentice or trainee.</u></p>	<p><i>Observation—</i> A decision to cancel a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.35D (1), (2)	<p><b>Decision about cancellation</b></p> <p>(1) <u>After having regard to the reasons stated in the application and any written responses made under section 35C(1)(e), the chief executive must decide—</u></p> <p>(a) <u>if satisfied that a party to the training contract can not successfully complete the party’s obligations under the contract—to cancel the contract; or</u></p> <p>(b) <u>otherwise—not to cancel the contract.</u></p> <p>(2) <u>The chief executive must give each party an information notice about the decision.</u></p> <p>(3) <u>If the chief executive decides to cancel the training contract the information notice must state the day the cancellation takes effect.</u></p>	<p><i>Observation—</i></p> <p>A decision to cancel a registered training contract may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Subdivision 2 – Cancellation without application</b>			
s.36(1)	<p><b>Grounds for cancellation of registered training contract by chief executive</b></p> <p>(1) <u>The chief executive may cancel a registered training contract if reasonably satisfied that 1 or more of the following grounds applies—</u></p> <p>(a) <u>the employer has ceased business;</u></p> <p>(b) <u>the employer has ceased operating the business in which the apprentice or trainee under the contract was employed;</u></p> <p>(c) <u>there has been a substantial change in a party’s circumstances and the change has affected the party’s capacity to perform the party’s obligations under the contract;</u></p> <p>(d) <u>the employer has moved the employer’s business to a place to which it is impractical or unreasonable for the apprentice or trainee to travel;</u></p> <p>(e) <u>the contract contains false or misleading information;</u></p> <p>(f) <u>the supervising registered training organisation withdraws from the training plan for the contract and no replacement supervising registered training organisation has been nominated;</u></p>	<p><i>Observation 1—</i></p> <p>A decision to cancel a registered training contract on the grounds mentioned in (c), (e) and (h) may be appealed to the industrial relations commission (s 168).</p> <p><i>Observation 2—</i></p> <p>The delegate cannot exercise powers and duties in relation to the cancellation of a registered training contract on the grounds mentioned in section 36(1)(i) if section 36(2) applies.</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(g) <u>the employer has been declared a prohibited employer;</u></p> <p>(h) <u>the employer is failing, or has failed, to comply with the employer’s obligations under this Act or the contract;</u></p> <p>(i) <u>the apprentice or trainee is no longer employed by the employer and it is at least 21 days since the employment ceased;</u></p> <p>(j) <u>if the apprentice or trainee is a school student—the school withdraws support for the student’s participation under the contract;</u></p> <p>(k) <u>the contract was registered in error.</u></p> <p>(2) The chief executive must not cancel a registered training contract under subsection (1)(i) if—</p> <p>(a) the chief executive has received notice of a contested event under section 58A; and</p> <p>(b) the contested event has not been finalised.</p>		
<p>s.37(2), (3)</p>	<p><b>Show cause notice before cancellation of registered training contract</b></p> <p>(1) This section applies if the chief executive is proposing to cancel a registered training contract under this subdivision.</p> <p>(2) <u>The chief executive must first give each party to the registered training contract a notice (a <i>show cause notice</i>) stating—</u></p> <p>(a) <u>that the chief executive proposes to cancel the contract; and</u></p> <p>(b) <u>the reasons for the proposed cancellation; and</u></p> <p>(c) <u>that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation.</u></p> <p>(3) <u>However, subsection (2) does not apply if the chief executive reasonably considers it is not practicable to give the parties a show cause notice.</u></p> <p><i>Example of circumstances in which it may not be practicable to give a show cause notice—</i></p> <p>The employer who is a party to the registered training contract has ceased trading.</p>	<p><i>Observation 1—</i> A decision to cancel a registered training contract on the grounds mentioned in (c), (e) and (h) may be appealed to the industrial relations commission (s 168).</p> <p><i>Observation 2—</i> The delegate cannot exercise powers and duties in relation to the cancellation of a registered training contract on the grounds mentioned in section 36(1)(i) if section 36(2) applies.</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.38(1)	<p><b>Decision about cancellation after show cause notice</b></p> <p>(1) <u>After considering any written response received from a party within the time stated in the show cause notice under section 37(2)(c), the chief executive must—</u></p> <p>(a) <u>decide whether to cancel the registered training contract; and</u></p> <p>(b) <u>give the parties—</u></p> <p>(i) <u>if the chief executive decides to cancel the contract under section 36(1)(c), (e) or (h)—an information notice for the decision; or</u></p> <p>(ii) <u>if the chief executive decides to cancel the contract other than under section 36(1)(c), (e) or (h)—written notice of the decision, including the reasons for the decision; or</u></p> <p>(iii) <u>if the chief executive decides not to cancel the contract—written notice of the decision.</u></p> <p>(2) The decision to cancel the registered training contract takes effect on the day stated in the notice given under subsection (1)(b).</p>	<p><i>Observation 1—</i>                      A decision to cancel a registered training contract on the grounds mentioned in (c), (e) and (h) may be appealed to the industrial relations commission (s 168).</p> <p><i>Observation 2—</i>                      The delegate cannot exercise powers and duties in relation to the cancellation of a registered training contract on the grounds mentioned in section 36(1)(i) if section 36(2) applies.</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.39(2)	<p><b>Decision about cancellation if show cause notice not given</b></p> <p>(1) This section applies if the chief executive does not give the parties a show cause notice under section 37(3).</p> <p>(2) <u>The chief executive may cancel the registered training contract under section 36 and give the parties written notice of the date of the cancellation.</u></p> <p>(3) The cancellation takes effect on the date stated in the notice.</p>	<p><i>Observation 1—</i>                      A decision to cancel a registered training contract on the grounds mentioned in (c), (e) and (h) may be appealed to the industrial relations commission (s 168).</p> <p><i>Observation 2—</i>                      The delegate cannot exercise powers and duties in relation to the cancellation of a registered training contract on the grounds mentioned in section 36(1)(i) if section 36(2) applies.</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Division 6A – Re-registration of cancelled contract in particular circumstances</b>			
s.40D	<p><b>Notice of re-registration of training contract after relevant decision</b></p> <p><u>The chief executive must, as soon as practicable after receiving a notice under section 40C—</u></p> <p>(a) <u>re-register the training contract; and</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(b) <u>provide each relevant entity with a written notice stating the following—</u></p> <p>(i) <u>that the chief executive has re-registered the cancelled contract as a registered training contract;</u></p> <p>(ii) <u>that the nominal term of the re-registered training contract is extended by the period the contract was cancelled before being re-registered under paragraph (a);</u></p> <p>(iii) <u>the date the nominal term ends taking into account the period of extension under subparagraph (ii);</u></p> <p>(iv) <u>that the training plan for the apprentice or trainee under the cancelled contract continues in force unless the parties enter into a new training plan.</u></p>		
<b>Division 7 – Discipline</b>			
<p>s.42(1), (2)</p>	<p><b>Discipline</b></p> <p>(1) <u>This section applies if the chief executive reasonably believes a party to a registered training contract—</u></p> <p>(a) <u>has contravened this Act or the contract; or</u></p> <p>(b) <u>has engaged in misconduct.</u></p> <p>(2) <u>The chief executive may make an order—</u></p> <p>(a) <u>reprimanding the party; or</u></p> <p>(b) <u>directing the party to pay the chief executive an amount of not more than 4 penalty units.</u></p> <p>(3) <u>A order under subsection (2)(b) may direct—</u></p> <p>(a) <u>the party to pay the amount directly or by instalments over a stated period; or</u></p> <p>(b) <u>if the party is the apprentice or trainee—despite the <i>Industrial Relations Act 2016</i>, section 371, the apprentice’s or trainee’s employer to deduct the amount directly or by instalments over a stated period from the apprentice’s or trainee’s wages and pay it to the chief executive.</u></p> <p>(4) <u>A person must not contravene an order made under subsection (2)(b).</u></p> <p>Maximum penalty for subsection (4)—50 penalty units.</p>	<p><i>Observation—</i></p> <p>A decision to make an order under section 42(2) may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.43(2)	<p><b>Chief executive must give show cause notice before making an order</b></p> <p>(1) This section applies if the chief executive is proposing to make an order under section 42(2).</p> <p>(2) <u>The chief executive must first give each party to the registered training contract a notice (a <i>show cause notice</i>) stating—</u></p> <p>(a) <u>the order the chief executive proposes to make; and</u></p> <p>(b) <u>the reasons for the proposed order; and</u></p> <p>(c) <u>that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed order.</u></p>	<p><i>Observation—</i></p> <p>A decision to make an order under section 42(2) may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.44	<p><b>Decision about order after show cause notice</b></p> <p>(1) <u>After considering any written response received from a party to the registered training contract within the time stated in the show cause notice under section 43(2)(c), the chief executive must decide whether to make an order under section 42(2).</u></p> <p>(2) <u>If the chief executive decides to make an order under section 42(2), the chief executive must give the parties an information notice for the decision.</u></p>	<p><i>Observation—</i></p> <p>A decision to make an order under section 42(2) may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Division 8 – Completion of registered training contract</b>			
<b>Subdivision 1 – Issue of completion certificate</b>			
s.47	<p><b>Decision by chief executive about issue of completion certificate if all parties agree</b></p> <p>(1) <u>On receiving the completion agreement, the chief executive must decide whether or not to issue a completion certificate for the apprenticeship or traineeship.</u></p> <p>(2) <u>The chief executive may issue the completion certificate only if satisfied that the apprentice or trainee has completed the apprenticeship or traineeship in accordance with this Act.</u></p> <p>(3) <u>The chief executive may request further information before deciding whether to issue a completion certificate.</u></p> <p>(4) <u>If the chief executive decides to issue the completion certificate, the chief executive must immediately—</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(a) <u>give written notice of the decision to the parties to the registered training contract and the supervising registered training organisation; and</u></p> <p>(b) <u>give the apprentice or trainee the completion certificate.</u></p> <p>(5) <u>If the chief executive decides not to issue the completion certificate, the chief executive must immediately give the parties to the contract and the supervising registered training organisation written notice of the decision, including the reasons for the decision.</u></p>		
s.49	<p><b>Chief executive must give notice to the parties to the registered training contract</b></p> <p><u>On receiving notice from the apprentice’s or trainee’s supervising registered training organisation under section 48, the chief executive must give each party to the registered training contract written notice stating that—</u></p> <p>(a) <u>the supervising registered training organisation has advised the chief executive of the matters mentioned in section 48(1)(a); and</u></p> <p>(b) <u>the chief executive is considering whether to issue a completion certificate to the apprentice or trainee; and</u></p> <p>(c) <u>the party may, within 21 days after the notice is given, advise the chief executive whether the party considers the completion certificate should be given, including the reasons for the party’s view.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.50(2), (3), (4), (5)	<p><b>Decision by chief executive about issue of completion certificate if all parties do not agree</b></p> <p>(1) This section applies if—</p> <p>(a) the chief executive has given notice to the parties to the registered training contract under section 49; and</p> <p>(b) 21 days have elapsed since the notice was given.</p> <p>(2) <u>The chief executive must decide whether or not to issue a completion certificate for the apprenticeship or traineeship.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(3) <u>The chief executive may issue the completion certificate only if satisfied that the apprentice or trainee has completed the apprenticeship or traineeship in accordance with this Act.</u></p> <p>(4) <u>If the chief executive decides to issue the completion certificate, the chief executive must immediately—</u></p> <p style="padding-left: 20px;">(a) <u>give written notice of the decision to the parties to the registered training contract and the supervising registered training organisation; and</u></p> <p style="padding-left: 20px;">(b) <u>give the apprentice or trainee the completion certificate.</u></p> <p>(5) <u>If the chief executive decides not to issue the completion certificate, the chief executive must immediately give the parties to the contract and the supervising registered training organisation written notice of the decision, including the reasons for the decision.</u></p>		
s.50A(5)	<p><b>Application for completion certificate</b></p> <p>(1) This section applies if a supervising registered training organisation has stopped operating as a registered training organisation before a completion agreement is signed by the parties to a registered training contract.</p> <p>(2) The parties may apply to the chief executive for the issue of a completion certificate.</p> <p>(3) The application must be in the approved form and include—</p> <p style="padding-left: 20px;">(a) evidence that the apprentice or trainee has completed all training and assessment required under the training plan for the apprentice or trainee; and</p> <p style="padding-left: 20px;">(b) if the apprentice or trainee is under 18 years—the signed consent of a parent of the apprentice or trainee.</p> <p>(4) However, subsection (3)(b) does not apply if it would be inappropriate in all the circumstances for a parent to give signed consent.</p> <p>(5) <u>The chief executive may issue the completion certificate only if satisfied the apprentice or trainee has completed the apprenticeship or</u></p>		<ul style="list-style-type: none"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<u>traineeship in accordance with this Act.</u>		
<b>Subdivision 2 – Cancellation of completion certificate</b>			
s.52	<p><b>Chief executive must give show cause notice before cancelling completion certificate</b></p> <p>(1) <u>The chief executive may cancel a completion certificate if the chief executive reasonably believes the certificate was issued—</u></p> <p>(a) <u>in error; or</u></p> <p>(b) <u>because of a materially false or misleading representation or declaration.</u></p> <p>(2) <u>The chief executive must first give the holder of the completion certificate a notice (a <b>show cause notice</b>) stating—</u></p> <p>(a) <u>that the chief executive is considering cancelling the completion certificate; and</u></p> <p>(b) <u>the reason for the proposed cancellation; and</u></p> <p>(c) <u>that the holder may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation.</u></p>	<p><i>Observation—</i></p> <p>A decision to cancel a completion certificate may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.53(1), (3)	<p><b>Decision about cancellation after show cause notice</b></p> <p>(1) <u>After considering any written response from the holder of the completion certificate received within the time stated in the show cause notice under section 52(2)(c), the chief executive—</u></p> <p>(a) <u>may decide to cancel, or not to cancel, the certificate; and</u></p> <p>(b) <u>must give the holder an information notice for the decision.</u></p> <p>(2) <u>If the chief executive cancels the completion certificate, the cancellation takes effect from the day the information notice is given.</u></p> <p>(3) <u>Also, if the chief executive cancels the completion certificate, the chief executive—</u></p> <p>(a) <u>must notify the cancellation on the department’s website; and</u></p> <p>(b) <u>may, by signed notice to the person to whom the certificate was issued, require the person to return</u></p>	<p><i>Observation—</i></p> <p>A decision to cancel a completion certificate may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p><u>it to the chief executive within the time stated in the notice.</u></p> <p>(4) The person must comply with a requirement under subsection (3)(b), unless the person has a reasonable excuse.</p> <p>Maximum penalty—40 penalty units.</p> <p>(5) The cancellation of the completion certificate does not reinstate the training contract that ended when the completion certificate for the apprenticeship or traineeship was issued.</p>		
<b>Division 10 – Prohibited employers</b>			
<p>s.59(1), (4)</p>	<p><b>Prohibited employers</b></p> <p>(1) <u>The chief executive may declare an employer to be a prohibited employer if the chief executive reasonably believes the employer is not a suitable person to employ an apprentice or trainee.</u></p> <p>(2) The declaration may be for a stated or indefinite period.</p> <p>(3) The declaration must state that the employer must not, while the declaration is in force, employ—</p> <p>(a) any apprentice or trainee; or</p> <p>(b) an apprentice or trainee in 1 or more stated apprenticeships or traineeships.</p> <p>(4) <u>In deciding whether or not the employer is suitable to employ an apprentice or trainee, the chief executive must have regard to the following—</u></p> <p>(a) <u>the employer’s ability to provide, or arrange to provide, an apprentice or trainee with the facilities, range of work, supervision and training required under a training plan for the apprentice or trainee;</u></p> <p>(b) <u>the employer’s record in delivering training to apprentices or trainees;</u></p> <p>(c) <u>whether the employer behaves, or permits his or her employees to behave, in an objectionable way towards an apprentice or trainee;</u></p> <p>(d) <u>whether the employer has contravened an Act of the State, another State or the Commonwealth relating to employment, including, for example, this Act, the <i>Fair Work</i></u></p>	<p><i>Observation—</i></p> <p>A decision to declare an employer to be a prohibited employer may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p><u>Act 2009 (Cwlth), the repealed Act, the Industrial Relations Act 2016 and the Work Health and Safety Act 2011;</u></p> <p>(e) <u>whether the employer has been convicted of an indictable offence;</u></p> <p>(f) <u>any other matter the chief executive considers relevant to the decision whether or not to declare the employer to be a prohibited employer.</u></p>		
s.60(2)	<p><b>Chief executive must give show cause notice before making a declaration</b></p> <p>(1) This section applies if the chief executive is proposing to make a declaration under section 59.</p> <p>(2) <u>The chief executive must first give the employer a notice (a <i>show cause notice</i>) stating—</u></p> <p>(a) <u>that the chief executive proposes to declare the employer to be a prohibited employer; and</u></p> <p>(b) <u>the reasons for the proposed declaration; and</u></p> <p>(c) <u>whether the proposed declaration is to apply—</u></p> <p>(i) <u>indefinitely; or</u></p> <p>(ii) <u>for the period stated in the show cause notice; and</u></p> <p>(d) <u>whether the proposed declaration is to apply either to—</u></p> <p>(i) <u>all apprenticeships and traineeships; or</u></p> <p>(ii) <u>only the apprenticeships and traineeships stated in the show cause notice; and</u></p> <p>(e) <u>that the employer may, within 14 days after the notice is given, give the chief executive a written response to the proposed declaration.</u></p>	<p><i>Observation—</i></p> <p>A decision to declare an employer to be a prohibited employer may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.61(1), (2), (3)	<p><b>Notice of decision about declaration after show cause notice</b></p> <p>(1) <u>The chief executive must consider any written response received from the employer within the time stated in the show cause notice under section 60(2)(e).</u></p> <p>(2) <u>If the chief executive decides not to declare the employer to be a prohibited employer, the chief executive must immediately give the</u></p>	<p><i>Observation—</i></p> <p>A decision to declare an employer to be a prohibited employer may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p><u>employer written notice of the decision.</u></p> <p>(3) <u>If the chief executive decides to declare the employer to be a prohibited employer, the chief executive must give the employer an information notice for the decision.</u></p> <p>(4) The information notice must also state—</p> <p>(a) that the employer may apply for revocation of the declaration; and</p> <p>(b) how the employer may apply.</p>		
<p>s.62(2), (3), (4), (5)</p>	<p><b>Revocation of declaration as prohibited employer</b></p> <p>(1) A prohibited employer may apply to the chief executive in the approved form requesting the chief executive to revoke the declaration.</p> <p>(2) <u>The chief executive may completely revoke the declaration if the chief executive is satisfied the employer is no longer an unsuitable person to employ an apprentice or trainee.</u></p> <p>(3) <u>The chief executive may partly revoke the declaration only if the chief executive is satisfied—</u></p> <p>(a) <u>if the declaration stated the employer must not employ any apprentice or trainee—the employer is no longer an unsuitable person to employ an apprentice or trainee in a particular apprenticeship or traineeship; or</u></p> <p>(b) <u>if the declaration stated the employer must not employ an apprentice or trainee in more than 1 stated apprenticeships or traineeships—the employer is no longer an unsuitable employer to employ an apprentice or trainee in 1 or more of the stated apprenticeships or traineeships.</u></p> <p>(4) <u>If the chief executive decides to completely revoke the declaration, the chief executive must immediately give the employer written notice of the decision.</u></p> <p>(5) <u>If the chief executive decides to partly revoke the declaration or not to revoke the declaration, the chief executive must immediately give the employer written notice of the decision, including the reasons for the decision.</u></p>	<p><i>Observation—</i></p> <p>A decision to declare an employer to be a prohibited employer may be appealed to the industrial relations commission (s 168).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Division 11 – Restricted callings</b>			
s.64(1)	<p><b>Declaration of restricted calling</b></p> <p>(1) <u>The chief executive may, by notice published on the department’s website, declare a calling to be a restricted calling.</u></p> <p>(2) An employer must not employ a young person in a restricted calling unless the young person—</p> <p>(a) has completed a qualification or statement of attainment relevant to the calling; or</p> <p>(b) is employed by the employer as an apprentice or trainee in the calling under a registered training contract.</p> <p>Maximum penalty—50 penalty units.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Part 3 – Supervising registered training organisations</b>			
s.66A(2)(c)	<p><b>Supervising registered training organisation must complete employer resource assessment</b></p> <p>(1) This section applies to the supervising registered training organisation for an apprentice or trainee in relation to the apprentice’s or trainee’s training plan.</p> <p>(2) The organisation must—</p> <p>(a) complete an employer resource assessment in the approved form for the apprentice’s or trainee’s training plan; and</p> <p>(b) regularly review and, if necessary, revise the employer resource assessment during the period of the training plan; and</p> <p>(c) <u>on request, give the chief executive a copy of the most recent employer resource assessment completed for the training plan.</u></p> <p>Maximum penalty—80 penalty units.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Part 4 – Training plans for apprentices or trainees</b>			
<b>Division 2 – Ending or changing training plan for apprentice or trainee</b>			
<b>Subdivision 4 – Changing a training plan—on application by one party</b>			
s.82B(1), (3)	<p><b>Chief executive may request further information</b></p> <p>(1) <u>Within 21 days after receiving the application, the chief executive may give the applicant a written notice asking for further information the</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p><u>chief executive reasonably requires to decide the application.</u></p> <p>(2) The notice must state a reasonable period of at least 14 days after the day the notice is given for the applicant to comply with the notice.</p> <p>(3) <u>The chief executive must consider any information given by the applicant within the period stated in the notice.</u></p> <p>(4) The applicant is taken to have withdrawn the application if the applicant does not comply with the notice.</p>		
<p><b>s.82C</b></p>	<p><b>Show cause notice before changing a training plan</b></p> <p><u>If the chief executive proposes to change the mode of delivery of the training plan the chief executive must give each party to the registered training contract a notice (a <i>show cause notice</i>) stating the following—</u></p> <p>(a) <u>that an application has been made under section 82A;</u></p> <p>(b) <u>the reasons, as stated in the application, for the proposed change;</u></p> <p>(c) <u>the reasons the chief executive proposes to change the training plan;</u></p> <p>(d) <u>the proposed change to the mode of delivery of the training plan;</u></p> <p>(e) <u>the day the proposed change is to take effect;</u></p> <p>(f) <u>that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed change.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<p><b>s.82D(1), (2)</b></p>	<p><b>Decision about changing a training plan</b></p> <p>(1) <u>After having regard to the reasons stated in the application and, if a show cause notice was given under section 82C, any written responses made under section 82C(f), the chief executive must decide—</u></p> <p>(a) <u>if satisfied the change to the mode of delivery of the training plan is necessary to assist the apprentice or trainee make the required progress to achieve the qualification or statement of attainment under the training plan—to change the mode of delivery of the training plan; or</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(b) <u>otherwise—not to change the mode of delivery of the training plan.</u></p> <p>(2) <u>The chief executive must give each party a written notice about the decision.</u></p> <p>(3) If the chief executive decides to change the mode of delivery of the training plan, the written notice must state—</p> <p>(a) the change; and</p> <p>(b) the date the change takes effect, being not less than 14 days after the day the notice is given to the parties.</p>		
<b>Subdivision 5 – Changing a training plan—chief executive</b>			
s.82E	<p><b>Chief executive may change training plan without application by the parties</b></p> <p><u>The chief executive may decide to change the mode of delivery of the training plan if the chief executive is satisfied the change is necessary to assist an apprentice or trainee to achieve the qualification or statement of attainment under the apprentice’s or trainee’s training plan.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.82F	<p><b>Show cause notice before changing a training plan</b></p> <p><u>If the chief executive proposes to change the mode of delivery of the training plan, the chief executive must give each party to the registered training contract a notice (a <i>show cause notice</i>) stating the following—</u></p> <p>(a) <u>that the chief executive proposes to change the training plan;</u></p> <p>(b) <u>the reasons the chief executive proposes to change the training plan;</u></p> <p>(c) <u>the proposed change to the mode of delivery of the training plan;</u></p> <p>(d) <u>the day the proposed change is to take effect;</u></p> <p>(e) <u>that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed change.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.82G(1), (2)	<p><b>Decision about changing a training plan</b></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(1) <u>After having regard to any written responses made under section 82F(e), the chief executive must decide—</u></p> <p>(a) <u>if satisfied the change to the mode of delivery of the training plan is necessary to assist the apprentice or trainee make the required progress to achieve the qualification or statement of attainment under the training plan—to change the mode of delivery of the training plan; or</u></p> <p>(b) <u>otherwise—not to change the mode of delivery of the training plan.</u></p> <p>(2) <u>The chief executive must give each party a written notice about the decision.</u></p> <p>(3) <u>If the chief executive decides to change the mode of delivery of the training plan, the written notice must state—</u></p> <p>(a) <u>the change; and</u></p> <p>(b) <u>the date the change takes effect, being not less than 14 days after the day the notice is given to the parties.</u></p>		
<b>Chapter 3 – Group training organisations and principal employer organisations</b>			
<b>Part 1 – Group training organisations</b>			
s.84(3), (4)	<p><b>Application for recognition as group training organisation</b></p> <p>(1) A corporation may apply in the approved form to the chief executive to be recognised as a group training organisation.</p> <p>(2) The application must be accompanied by a report from an approved auditor that assesses the applicant’s compliance with the GTO Standards.</p> <p>(3) <u>The chief executive must publish a list of approved auditors on the department’s website.</u></p> <p>(4) <u>In this section—</u>  <u><b>approved auditor</b> means an auditor, or a person who is a type of auditor, approved by the chief executive.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.85(1), (2), (3), (4)	<p><b>Decision on application for recognition as group training organisation</b></p> <p>(1) <u>The chief executive must make a decision on an application made under section 84.</u></p>	<p><i>Observation 1—</i>                      A failure to decide the application within 6 months after receiving it is taken to be a decision not to grant the application (s 85(5)).</p> <p><i>Observation 2—</i></p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1 Reference	Column 2 Nature of Power	Column 3 Observations / Limitations	Column 4 Delegate
	<p>(2) <u>The chief executive may grant the application only if the chief executive is reasonably satisfied the applicant complies with the GTO Standards.</u></p> <p>(3) <u>If the chief executive decides to grant the application, the chief executive must immediately give the applicant—</u></p> <p style="padding-left: 20px;">(a) <u>written notice of the decision; and</u></p> <p style="padding-left: 20px;">(b) <u>a certificate (a <i>certificate of recognition</i>) stating that the applicant is recognised as a group training organisation.</u></p> <p>(4) <u>If the chief executive decides not to grant the application, the chief executive must immediately give the applicant an information notice for the decision.</u></p> <p>(5) <u>If the chief executive fails to decide the application within 6 months after receiving it, the failure is taken to be a decision by the chief executive not to grant the application.</u></p>	<p>A decision to not recognise a corporation as a group training organisation may be reviewed by QCAT (s 167).</p>	
<p>s.87(1)(b), (2), (3)</p>	<p><b>Conditions applying to certificate of recognition as group training organisation</b></p> <p>(1) <u>A group training organisation's certificate of recognition is subject to the following standard conditions—</u></p> <p style="padding-left: 20px;">(a) <u>the organisation must comply with the GTO Standards;</u></p> <p style="padding-left: 20px;">(b) <u>the organisation must undergo compliance audits at the times and in the way directed by the chief executive;</u></p> <p style="padding-left: 20px;">(c) <u>the organisation must comply with its obligations under a registered training contract for an apprentice or trainee employed by the organisation.</u></p> <p>(2) <u>The chief executive—</u></p> <p style="padding-left: 20px;">(a) <u>may, when the certificate of recognition is issued to the group training organisation or at any other time, impose further conditions the chief executive considers reasonably necessary to ensure the organisation complies with the GTO Standards; and</u></p> <p style="padding-left: 20px;">(b) <u>may remove or change the further conditions imposed for the purpose mentioned in paragraph (a).</u></p> <p>(3) <u>If the chief executive changes the conditions for a certificate of</u></p>	<p><i>Observation 1—</i>                      A failure to decide the application within 6 months after receiving it is taken to be a decision not to grant the application (s 85(5)).</p> <p><i>Observation 2—</i>                      A decision to not recognise a corporation as a group training organisation may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<u>recognition after its issue, the chief executive must give the group training organisation a new certificate containing the changed conditions.</u>		
s.88	<p><b>Grounds for cancellation of certificate of recognition</b></p> <p><u>The chief executive may cancel a group training organisation’s certificate of recognition if reasonably satisfied 1 or more of the following grounds applies—</u></p> <p>(a) <u>the organisation has not complied with a condition applying to its certificate of recognition;</u></p> <p>(b) <u>the organisation has stopped operating as a group training organisation;</u></p> <p>(c) <u>the organisation provided false or misleading information—</u></p> <p>(i) <u>when applying to be recognised as a group training organisation; or</u></p> <p>(ii) <u>after the issue of its certificate of recognition.</u></p>	<p><i>Observation—</i></p> <p>A decision to cancel a group training organisation’s certificate of recognition may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.89(2)	<p><b>Show cause notice before cancellation of certificate of recognition</b></p> <p>(1) This section applies if the chief executive is proposing to cancel a certificate of recognition under section 88.</p> <p>(2) <u>The chief executive must first give the group training organisation a notice (a <i>show cause notice</i>) stating—</u></p> <p>(a) <u>that the chief executive proposes to cancel the organisation’s certificate of recognition; and</u></p> <p>(b) <u>the reason for the proposed cancellation; and</u></p> <p>(c) <u>that the organisation may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation.</u></p>	<p><i>Observation—</i></p> <p>A decision to cancel a group training organisation’s certificate of recognition may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.90(1)	<p><b>Decision about cancellation after show cause notice</b></p> <p>(1) <u>After considering any written response from the group training organisation received within the time stated in the show cause notice under section 89(2)(c), the chief executive must—</u></p>	<p><i>Observation—</i></p> <p>A decision to cancel a group training organisation’s certificate of recognition may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(a) <u>decide whether to cancel the organisation’s certificate of recognition; and</u></p> <p>(b) <u>give the organisation—</u></p> <p style="padding-left: 20px;">(i) <u>if the chief executive decides not to cancel the certificate—written notice of the decision; or</u></p> <p style="padding-left: 20px;">(ii) <u>if the chief executive decides to cancel the certificate—an information notice for the decision.</u></p> <p>(2) If the chief executive cancels the group training organisation’s certificate of recognition, the cancellation takes effect 14 days from—</p> <p style="padding-left: 20px;">(a) the day the information notice is given; or</p> <p style="padding-left: 20px;">(b) if a later day is stated in the information notice, the later day.</p>		
<b>Part 2 – Principal employer organisations</b>			
s.92(3), (4)	<p><b>Application for recognition as principal employer organisation</b></p> <p>(1) A corporation may apply in the approved form to the chief executive to be recognised as a principal employer organisation.</p> <p>(2) The application must be accompanied by a report from an approved auditor that assesses the applicant’s compliance with the PEO Standards.</p> <p>(3) <u>The chief executive must publish a list of approved auditors on the department’s website.</u></p> <p>(4) <u>In this section—</u> <b><i>approved auditor</i></b> means an auditor, or a person who is a type of auditor, approved by the chief executive.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.93(1), (2), (3), (4)	<p><b>Decision on application for recognition as principal employer organisation</b></p> <p>(1) <u>The chief executive must make a decision on an application made under section 92.</u></p> <p>(2) <u>The chief executive may grant the application only if the chief executive is reasonably satisfied the applicant complies with the PEO Standards.</u></p> <p>(3) <u>If the chief executive decides to grant the application, the chief</u></p>	<p><i>Observation 1—</i> A failure to decide the application within 6 months after receiving it is taken to be a decision not to grant the application (s 93(5)).</p> <p><i>Observation 2—</i> A decision to not recognise a corporation as principal employer organisation may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p><u>executive must immediately give the applicant—</u></p> <p>(a) <u>written notice of the decision; and</u></p> <p>(b) <u>a certificate (also a <i>certificate of recognition</i>) stating that the applicant is recognised as a principal employer organisation.</u></p> <p>(4) <u>If the chief executive decides not to grant the application, the chief executive must immediately give the applicant an information notice for the decision.</u></p> <p>(5) <u>If the chief executive fails to decide the application within 6 months after receiving it, the failure is taken to be a decision by the chief executive not to grant the application.</u></p>		
<p>s.95(1)(b), (2), (3)</p>	<p><b>Conditions applying to certificate of recognition as principal employer organisation</b></p> <p>(1) <u>A principal employer organisation’s certificate of recognition is subject to the following standard conditions—</u></p> <p>(a) <u>the organisation must comply with the PEO Standards;</u></p> <p>(b) <u>the organisation must undergo compliance audits at the times and in the way directed by the chief executive;</u></p> <p>(c) <u>the organisation must comply with its obligations under a registered training contract for an apprentice or trainee employed by the organisation.</u></p> <p>(2) <u>The chief executive—</u></p> <p>(a) <u>may, when the certificate of recognition is issued to the principal employer organisation or at any other time, impose further conditions the chief executive considers reasonably necessary to ensure the organisation complies with the PEO Standards; and</u></p> <p>(b) <u>may remove or change the further conditions imposed for the purpose mentioned in paragraph (a).</u></p> <p>(3) <u>If the chief executive changes the conditions for a certificate of recognition after its issue, the chief executive must give the principal employer organisation a new certificate containing the changed conditions.</u></p>	<p><i>Observation 1—</i>                      A failure to decide the application within 6 months after receiving it is taken to be a decision not to grant the application (s 93(5)).</p> <p><i>Observation 2—</i>                      A decision to not recognise a corporation as principal employer organisation may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.96	<p><b>Grounds for cancellation of certificate of recognition</b></p> <p>The chief executive may cancel a principal employer organisation's certificate of recognition if reasonably satisfied 1 or more of the following grounds applies—</p> <p>(a) the organisation has not complied with a condition applying to its certificate of recognition;</p> <p>(b) the organisation has stopped operating as a principal employer organisation;</p> <p>(c) the organisation provided false or misleading information—</p> <p>(i) when applying to be recognised as a principal employer organisation; or</p> <p>(ii) after the issue of its certificate of recognition.</p>	<p><i>Observation—</i></p> <p>A decision to cancel a principal employer organisation's certificate of recognition may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.97(2)	<p><b>Show cause notice before cancellation of certificate of recognition</b></p> <p>(1) This section applies if the chief executive is proposing to cancel a certificate of recognition under section 96.</p> <p>(2) The chief executive must first give the principal employer organisation a notice (a <i>show cause notice</i>) stating—</p> <p>(a) that the chief executive proposes to cancel the organisation's certificate of recognition; and</p> <p>(b) the reason for the proposed cancellation; and</p> <p>(c) that the principal employer organisation may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation.</p>	<p><i>Observation—</i></p> <p>A decision to cancel a principal employer organisation's certificate of recognition may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.98(1)	<p><b>Decision about cancellation after show cause notice</b></p> <p>(1) After considering any written response from the principal employer organisation received within the time stated in the show cause notice under section 97(2)(c), the chief executive must—</p> <p>(a) decide whether to cancel the organisation's certificate of recognition; and</p>	<p><i>Observation—</i></p> <p>A decision to cancel a principal employer organisation's certificate of recognition may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(b) <u>give the organisation—</u>                      (i) <u>if the chief executive decides not to cancel the certificate—written notice of the decision; or</u>                      (ii) <u>if the chief executive decides to cancel the certificate—an information notice for the decision.</u></p> <p>(2) <u>If the chief executive cancels the principal employer organisation’s certificate of recognition, the cancellation takes effect 14 days from—</u>                      (a) <u>the day the information notice is given; or</u>                      (b) <u>if a later day is stated in the information notice, the later day.</u></p>		
<b>Chapter 4 – Other training-related matters</b>			
<b>Part 1 – Certificates of achievement</b>			
<p>s.101(1), (2), (3), (4)</p>	<p><b>Decision on application for certificate of achievement</b></p> <p>(1) <u>The chief executive must make a decision on an application for a certificate of achievement in a calling.</u></p> <p>(2) <u>The chief executive may grant the application only if the chief executive is satisfied the applicant—</u>                      (a) <u>has a qualification or statement of attainment issued by a registered training organisation; and</u>                      (b) <u>has completed the program for the certificate of achievement approved by the chief executive and published on the department’s website; and</u>                      (c) <u>has acquired the necessary skills and knowledge in the calling as stated in the program for the certificate of achievement.</u></p> <p>(3) <u>If the chief executive decides to grant the application, the chief executive must immediately give the applicant—</u>                      (a) <u>written notice of the decision; and</u>                      (b) <u>a certificate of achievement for the relevant calling.</u></p> <p>(4) <u>If the chief executive decides not to grant the application, the chief executive must immediately give the applicant written notice of the decision, including the reasons for the decision.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	(5) If the chief executive fails to decide the application within 90 days after receiving it, the failure is taken to be a decision by the chief executive not to grant the application.		
s.103	<p><b>Grounds for cancellation of certificate of achievement</b></p> <p>The chief executive may cancel a person's certificate of achievement if reasonably satisfied the certificate was issued—</p> <p>(a) in error; or</p> <p>(b) because of a document or representation that—</p> <p>(i) is false or misleading; or</p> <p>(ii) was obtained or made in another improper way.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.104(2)	<p><b>Show cause notice before cancellation of certificate of achievement</b></p> <p>(1) This section applies if the chief executive is proposing to cancel a certificate of achievement under section 103.</p> <p>(2) <u>The chief executive must first give the holder of the certificate of achievement a notice (a <i>show cause notice</i>) stating—</u></p> <p>(a) <u>that the chief executive proposes to cancel the certificate of achievement; and</u></p> <p>(b) <u>the reason for the proposed cancellation; and</u></p> <p>(c) <u>that the holder may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.105(1), (3)	<p><b>Decision about cancellation after show cause notice</b></p> <p>(1) <u>After considering any written response from the holder of the certificate of achievement received within the time stated in the show cause notice under section 104(2)(c), the chief executive must—</u></p> <p>(a) <u>decide whether to cancel the certificate; and</u></p> <p>(b) <u>give the holder—</u></p> <p>(i) <u>if the chief executive decides not to cancel the certificate—written notice of the decision; or</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(ii) <u>if the chief executive decides to cancel the certificate—written notice of the decision, including the reasons for the decision.</u></p> <p>(2) If the chief executive cancels the certificate of achievement, the cancellation takes effect from the day written notice of the decision is given to the holder of the certificate.</p> <p>(3) <u>Also, if the chief executive cancels the certificate, the chief executive—</u></p> <p>(a) <u>must notify the cancellation on the department’s website; and</u></p> <p>(b) <u>may, by signed notice to the person to whom the certificate was issued, require the person to return it to the chief executive within the time stated in the notice.</u></p> <p>(4) The person must comply with a requirement under subsection (3)(b), unless the person has a reasonable excuse.</p> <p>Maximum penalty for subsection (4)—40 penalty units.</p>		
<b>Part 2 – Provision of departmental employment skills development programs</b>			
s.106	<p><b>Chief executive may provide employment skills development programs</b></p> <p><u>The chief executive may provide departmental employment skills development programs to meet the needs of young people in the compulsory participation phase.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Part 3 – Recognising non-departmental employment skills development programs</b>			
s.107(2)	<p><b>Application for recognition of non-departmental employment skills development program</b></p> <p>(1) A person may apply in the approved form to the chief executive for recognition of a non-departmental employment skills development program delivered by the person.</p> <p>(2) <u>The application must be accompanied by evidence that the program meets the requirements stated in the Principles for Employment Skills Development Programs issued by the chief executive and published on the department’s website.</u></p> <p><i>Note—</i></p> <p>A young person may participate in a non-departmental employment skills development program to fulfil the obligations under</p>	<p><i>Observation—</i></p> <p>A decision to not recognise a non-departmental employment skills development program may be reviewed by QCAT (s.167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



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

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	sections 239 and 240 of the <i>Education (General Provisions) Act 2006</i> .		
s.108(1), (2) (3), (4)	<p><b>Decision on application for recognition of non-departmental employment skills development program</b></p> <p>(1) <u>The chief executive must decide an application made under section 107.</u></p> <p>(2) <u>The chief executive may recognise the non-departmental employment skills development program only if the chief executive is reasonably satisfied the program meets the requirements stated in the Principles for Employment Skills Development Programs issued by the chief executive and published on the department’s website.</u></p> <p>(3) <u>If the chief executive decides to grant the application, the chief executive must immediately give the applicant written notice of the decision.</u></p> <p>(4) <u>If the chief executive decides not to grant the application, the chief executive must immediately give the applicant an information notice for the decision.</u></p> <p>(5) If the chief executive fails to decide the application within 6 months after receiving it, the failure is taken to be a decision by the chief executive not to grant the application.</p>	<p><i>Observation—</i> A decision to not recognise a non-departmental employment skills development program may be reviewed by QCAT (s.167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.109	<p><b>Chief executive must maintain register</b></p> <p><u>The chief executive must maintain a register of non-departmental employment skills development programs recognised under section 108.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.110	<p><b>Withdrawal of recognition of non-departmental employment skills development program</b></p> <p><u>The chief executive may withdraw recognition of a non-departmental employment skills development program—</u></p> <p>(a) <u>at the request of the person who delivers the program; or</u></p> <p>(b) <u>on the chief executive’s own initiative.</u></p>	<p><i>Observation—</i> A decision to withdraw recognition of a non-departmental employment skills development program on the delegate’s own initiative may be reviewed by QCAT (s.167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.111(2)	<p><b>Show cause notice before cancellation of recognition</b></p> <p>(1) This section applies if the chief executive is proposing to withdraw recognition of a non-departmental employment skills development program on the chief executive’s own initiative under section 110.</p> <p>(2) <u>The chief executive must first give the person who delivers the program a notice (a <i>show cause notice</i>) stating—</u></p> <p>(a) <u>that the chief executive proposes to withdraw recognition for the program; and</u></p> <p>(b) <u>the reason for the proposed withdrawal of recognition; and</u></p> <p>(c) <u>that the person may, within 14 days after the notice is given, give the chief executive a written response to the proposed withdrawal.</u></p>	<p><i>Observation—</i></p> <p>A decision to withdraw recognition of a non-departmental employment skills development program on the delegate’s own initiative may be reviewed by QCAT (s.167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.112(1), (3)	<p><b>Decision about cancellation after show cause notice</b></p> <p>(1) <u>After considering any written response from the person who delivers the non-departmental employment skills development program received within the time stated in the show cause notice under section 111(2)(c), the chief executive must—</u></p> <p>(a) <u>decide whether to withdraw recognition of the program; and</u></p> <p>(b) <u>give the person who delivers the program—</u></p> <p>(i) <u>if the chief executive decides not to withdraw recognition—written notice of the decision; or</u></p> <p>(ii) <u>if the chief executive decides to withdraw recognition—an information notice for the decision.</u></p> <p>(2) If the chief executive withdraws recognition, the withdrawal of recognition takes effect from the day the information notice is given.</p> <p>(3) <u>Also, if the chief executive withdraws recognition, the chief executive must remove the program from the register of non-departmental employment skills development programs kept under section 109.</u></p>	<p><i>Observation—</i></p> <p>A decision to withdraw recognition of a non-departmental employment skills development program on the delegate’s own initiative may be reviewed by QCAT (s.167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Chapter 5 – Monitoring and enforcement</b>			
<b>Part 2 – General provisions about inspectors</b>			
<b>Division 1 – Functions and appointment</b>			
<b>s.115</b>	<p><b>Appointment and qualifications</b></p> <p>(1) <u>The chief executive may, by instrument in writing, appoint any of the following persons as an inspector—</u></p> <p>(a) <u>a public service officer of the department;</u></p> <p>(b) <u>a person prescribed by regulation.</u></p> <p>(2) <u>However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>s.116(1)(b) (2)</b>	<p><b>Appointment conditions and limit on powers</b></p> <p>(1) <u>An inspector holds office on any conditions stated in—</u></p> <p>(a) the inspector’s instrument of appointment; or</p> <p>(b) <u>a signed notice given to the inspector;</u> or</p> <p>(c) a regulation.</p> <p>(2) <u>The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector’s powers.</u></p> <p>(3) In this section—  <i>signed notice</i> means a notice signed by the chief executive.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Division 2 – Identity cards</b>			
<b>s.119(1)</b>	<p><b>Issue of identity card</b></p> <p>(1) <u>The chief executive must issue an identity card to each inspector.</u></p> <p>(2) The identity card must—</p> <p>(a) contain a recent photo of the inspector; and</p> <p>(b) contain a copy of the inspector’s signature; and</p> <p>(c) identify the person as an inspector under this Act; and</p> <p>(d) state an expiry date for the card.</p> <p>(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 4 – Other inspector’s powers and related matters</b>			
<b>Division 2 – Seizure and forfeiture</b>			
<b>Subdivision 4 – Forfeiture</b>			
s.150(1)	<p><b>Forfeiture by chief executive decision</b></p> <p>(1) <u>The chief executive may decide a seized thing is forfeited to the State if an inspector—</u></p> <p style="padding-left: 20px;">(a) <u>after making reasonable inquiries, can not find an owner; or</u></p> <p style="padding-left: 20px;">(b) <u>after making reasonable efforts, can not return it to an owner.</u></p> <p>(2) However, the inspector is not required to—</p> <p style="padding-left: 20px;">(a) make inquiries if it would be unreasonable to make inquiries to find an owner; or</p> <p style="padding-left: 20px;">(b) make efforts if it would be unreasonable to make efforts to return the thing to an owner.</p> <p><i>Example for paragraph (b)—</i></p> <p style="padding-left: 40px;">the owner of the thing has migrated to another country</p> <p>(3) Regard must be had to the thing’s condition, nature and value in deciding—</p> <p style="padding-left: 20px;">(a) whether it is reasonable to make inquiries or efforts; and</p> <p style="padding-left: 20px;">(b) if inquiries or efforts are made—what inquiries or efforts, including the period over which they are made, are reasonable.</p>	<p><i>Observation—</i></p> <p>A decision to seize a thing or forfeit a thing may be reviewed by QCAT (s 167).</p>	<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
s.151(1)	<p><b>Information notice about forfeiture decision</b></p> <p>(1) <u>If the chief executive decides under section 150(1) to forfeit a thing, the chief executive must as soon as practicable give a person who owned the thing immediately before the forfeiture (the <i>former owner</i>) an information notice for the decision.</u></p> <p>(2) The information notice may be given by leaving it at the place where the thing was seized, in a conspicuous position and in a reasonably secure way.</p> <p>(3) The information notice must state that the former owner may apply for a stay of the decision if he or she appeals against the decision.</p> <p>(4) However, subsections (1) to (3) do not apply if the place where the thing was seized is—</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>



Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	(a) a public place; or (b) a place where the notice is unlikely to be read by the former owner.		
<b>Subdivision 5 – Dealing with property forfeited or transferred to State</b>			
s.155(2), (4)	<p><b>How property may be dealt with</b></p> <p>(1) This section applies if, under section 154, a thing becomes the property of the State.</p> <p>(2) <u>The chief executive may deal with the thing as the chief executive considers appropriate, including, for example, by destroying it or giving it away.</u></p> <p>(3) The chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal against the forfeiture under this part.</p> <p>(4) <u>If the chief executive sells the thing, the chief executive may, after deducting the costs of the sale, return the proceeds of the sale to the former owner of the thing.</u></p> <p>(5) This section is subject to any disposal order made for the thing.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Chapter 8 – Miscellaneous</b>			
<b>Part 2 – Other matters</b>			
s.191(3)(j)	<p><b>Protection of confidentiality</b></p> <p>(1) This section applies if a person (the <i>first person</i>) obtains information about another person—</p> <p>(a) in exercising a power or performing a function under this Act; or</p> <p>(b) because of an opportunity provided by the exercise of the power or performance of the function.</p> <p>(2) The first person must not do any of the following—</p> <p>(a) make a record of the information;</p> <p>(b) disclose or communicate the information, whether directly or indirectly;</p> <p>(c) use the information to benefit any person.</p> <p>Maximum penalty—50 penalty units.</p> <p>(3) <u>However, the first person does not contravene subsection (2) if the disclosure, communication, making of a record, or use, of the information—</u></p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>(a) is necessary to perform the first person’s functions under this Act; or</p> <p>(b) is authorised under this or another Act; or</p> <p>(c) is necessary to perform official duties under the <i>Public Records Act 2002</i>; or</p> <p>(d) is otherwise required or permitted by law; or</p> <p>(e) is ordered by a court, commission or tribunal constituted by law in proceedings before it; or</p> <p>(f) is in a form that does not disclose the identity of the other person; or</p> <p>(g) relates to another person who is an adult and the other person consents to the disclosure; or</p> <p>(h) relates to another person who is a child and the child’s parent consents to the disclosure; or</p> <p>(i) is in a form that does not disclose the identity of the person to whom the information relates; or</p> <p>(j) <u>is made with the written consent of the chief executive who may give the consent if reasonably satisfied the disclosure is in the public interest.</u></p>		
<b>Part 3 – Other provisions</b>			
s.196	<p><b>Approved forms</b></p> <p>The chief executive may approve forms for use under this Act.</p>		<ul style="list-style-type: none"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Chapter 9 – Repeal, savings and transitional provisions</b>			
<b>Part 4 – Transitional provisions for <i>Workers’ Compensation &amp; Rehabilitation and Other Legislation Amendment Act 2019</i></b>			
s.238(2)	<p><b>Application for extension of nominal term made but not decided before commencement</b></p> <p>(1) This section applies if —</p> <p>(a) before the commencement, an application to extend the nominal term of a registered training contract was made under section 23; and</p> <p>(b) immediately before the commencement, the chief executive had not decided the application.</p> <p>(2) <u>The chief executive must decide the application under this Act as in force immediately before the commencement.</u></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 Act 2014**

Reference	Nature of Power
<b>Chapter 4A – Training Ombudsman</b>	
<b>Part 2, Division 3 – Dealing with complaints</b>	
112H(3), (4)	Referral of complaint to chief executive
112L	Giving information or notice about particular complaints
<b>Chapter 8 – Miscellaneous</b>	
<b>Part 1 – Trusts</b>	
183(2), (3)	Variation of trust purposes
184(1), (2)	Variation of approved arrangement
185(2)	Requirements about purposes for arrangements
186(2)	Recording arrangements and variations in land register
<b>Chapter 9 – Repeal, savings and transitional provisions</b>	
<b>Part 2 – Savings and transitional provisions for the Further Education and Training Act 2014</b>	
<b>Division 2 – Apprentices and trainees</b>	
206(2)	Continuation of process for issue of completion certificate
<b>Division 3 – Group training organisations and principal employer organisations</b>	
210(2)(b), (3)(c)	Continued recognition of group training organisations and principal employer organisations
<b>Division 5 – Other provisions</b>	
216(2)	Applications made but not decided before commencement
<b>Part 3 – Repeal, savings and transitional provisions for <i>Queensland Training Assets Management Authority Repeal Act 2015</i></b>	
<b>Division 2 – Savings and transitional provisions</b>	
233	Registering authority to note transfer or other dealing

