

**Department of Trade, Employment and
Training**

Legislative Delegations

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

under

***Further Education
and Training Regulation 2024***

(November 2024)

INSTRUMENT OF DELEGATION

Further Education and Training Regulation 2024

I, Peter McKay, Director-General of the Department of Trade, Employment and Training, pursuant to section 193(1) of the *Further Education and Training Act 2014*, HEREBY DELEGATE to the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1, those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the *Further Education and Training Regulation 2024*, which are specified in Column 1 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.

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

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

This Instrument of Delegation revokes all Instruments of Delegation and Sub-delegation previously issued with respect to the powers, functions, authorities and duties of the Director-General under the *Further Education and Training Regulation 2024*.



PETER MCKAY
DIRECTOR-GENERAL
DEPARTMENT OF TRADE, EMPLOYMENT AND TRAINING

DATED AT BRISBANE THIS 7th day of November, 2024.

SCHEDULE 1 – Table of delegated Powers of Director-General
Further Education and Training Regulation 2024

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
Part 2 – Requirements for apprenticeship or traineeship			
s.3(1)(e)	<p>Requirements for apprenticeship or traineeship—Act, s 8</p> <p>(1) For section 8(3)(c) of the Act, a declaration of an apprenticeship or traineeship under section 8(2) of the Act may include the following prescribed requirements for the apprenticeship or traineeship—</p> <p style="margin-left: 2em;">(a) the level of education a person must have reached before starting the apprenticeship or traineeship;</p> <p style="margin-left: 2em;">(b) that a person can not start the apprenticeship or traineeship without prior written approval of a nominated entity for the apprenticeship or traineeship;</p> <p style="margin-left: 2em;">(c) that a person completing the apprenticeship or traineeship (the <i>relevant apprentice or trainee</i>) must be supervised;</p> <p style="margin-left: 2em;">(d) if the relevant apprentice or trainee must be supervised—</p> <p style="margin-left: 4em;">(i) the qualifications and experience the supervisor must have; and</p> <p style="margin-left: 4em;">(ii) that the supervisor—</p> <p style="margin-left: 6em;">(A) may also, at a place the apprenticeship or traineeship is being completed, supervise other apprentices or trainees; or</p> <p style="margin-left: 6em;">(B) must not, at a place the apprenticeship or traineeship is being completed, supervise other apprentices or trainees; and</p> <p style="margin-left: 4em;">(iii) for a supervisor who may supervise other apprentices or trainees under subparagraph (ii)(A)—the number of other apprentices or trainees the supervisor may supervise;</p> <p style="margin-left: 2em;">(e) <u>other requirements relating to the nature and quality of the supervision of the apprenticeship or traineeship that the chief executive considers relevant.</u></p> <p>(2) In this section—</p> <p><i>nominated entity</i>, for an apprenticeship or traineeship, means an employer group, industry body or regulatory authority nominated in the declaration</p>		<ul style="list-style-type: none"> • Executive Director, Service Delivery, Engagement Division

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	of the apprenticeship or traineeship under section 8(2) of the Act.		
Part 3 – Training records			
s.6(3)	<p>Keeping training records</p> <p>(1) For section 41 of the Act, definition <i>misconduct</i>, paragraph (b)(i), the prescribed way to keep a training record is as follows—</p> <p>(a) the record must be in the form decided by the supervising registered training organisation for the apprentice or trainee;</p> <p>(b) the record must be complete and accurate with the particulars of training completed by the apprentice or trainee;</p> <p>(c) the record must be in the possession of the apprentice or trainee unless the apprentice or trainee has produced it to a person under the Act;</p> <p>(d) the record must be kept by the apprentice or trainee for the duration of the apprenticeship or traineeship.</p> <p>(2) If training is required to be delivered by the employer, for subsection (1)(b), the employer must, at reasonable intervals of not more than 3 months, require the apprentice or trainee to produce the training record to the employer to be updated.</p> <p>(3) <u>The chief executive may, by reasonable notice, require the apprentice or trainee to produce the training record to the chief executive for inspection.</u></p> <p><i>Note—</i></p> <p>See also section 41 of the Act, definition <i>misconduct</i>, paragraph (b)(ii).</p>		<ul style="list-style-type: none"> Executive Director, Service Delivery, Engagement Division
Part 4 – Prescribed documents and fees			
s.9(2)	<p>Prescribed fees—Act, ss 195 and 197</p> <p>(1) The fees payable under the Act are stated in schedule 1, column 2.</p> <p>(2) <u>The chief executive may waive payment of a fee stated in schedule 1 if the chief executive considers that there are exceptional circumstances to do so.</u></p>		<ul style="list-style-type: none"> Executive Director, Service Delivery, Engagement Division

**APPENDIX 1 –Director-General’s Powers Not Delegated –
*Further Education and Training Regulation 2024***

Reference	Nature of Power
	NIL