

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

**Legislative Delegations**

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

**under**

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

(September 2024)

# INSTRUMENT OF DELEGATION

## *Further Education and Training Regulation 2024*

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 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 2014*.

This Instrument of Delegation is to take effect on the commencement of the *Further Education and Training Regulation 2024*.



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

DATED AT BRISBANE THIS 30<sup>th</sup> day of August, 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
<b>Part 2 – Requirements for apprenticeship or traineeship</b>			
s.3(1)(e)	<p><b>Requirements for apprenticeship or traineeship—Act, s 8</b></p> <p>(1) For section 8(3)(c) of the Act, a declaration of an apprenticeship or traineeship under section 8(2) of the Act may include the following prescribed requirements for the apprenticeship or traineeship—</p> <p>(a) the level of education a person must have reached before starting the apprenticeship or traineeship;</p> <p>(b) that a person can not start the apprenticeship or traineeship without prior written approval of a nominated entity for the apprenticeship or traineeship;</p> <p>(c) that a person completing the apprenticeship or traineeship (the <i>relevant apprentice or trainee</i>) must be supervised;</p> <p>(d) if the relevant apprentice or trainee must be supervised—</p> <p>(i) the qualifications and experience the supervisor must have; and</p> <p>(ii) that the supervisor—</p> <p>(A) may also, at a place the apprenticeship or traineeship is being completed, supervise other apprentices or trainees; or</p> <p>(B) must not, at a place the apprenticeship or traineeship is being completed, supervise other apprentices or trainees; and</p> <p>(iii) for a supervisor who may supervise other apprentices or trainees under subparagraph (ii)(A)—the number of other apprentices or trainees the supervisor may supervise;</p> <p>(e) <u>other requirements relating to the nature and quality of the supervision of the apprenticeship or traineeship that the chief executive considers relevant.</u></p> <p>(2) In this section—  <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"> <li>• Executive Director, Service Delivery, Engagement Division</li> </ul>



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
	of the apprenticeship or traineeship under section 8(2) of the Act.		
<b>Part 3 – Training records</b>			
<b>s.6(3)</b>	<p><b>Keeping training records</b></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"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>
<b>Part 4 – Prescribed documents and fees</b>			
<b>s.9(2)</b>	<p><b>Prescribed fees—Act, ss 195 and 197</b></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"> <li>Executive Director, Service Delivery, Engagement Division</li> </ul>

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

Reference	Nature of Power
	NIL