

**Minister for Education and Minister
for Tourism, Major Events and the
Commonwealth Games**

Legislative Delegations

Delegation of Minister's Powers

under

Constitution of Queensland 2001

Real Property

(Version 3 – October 2017)

NOTE: The Executive Director, Legal and Administrative Law Branch must be consulted regarding all proposed amendments to these delegations.

INSTRUMENT OF DELEGATION

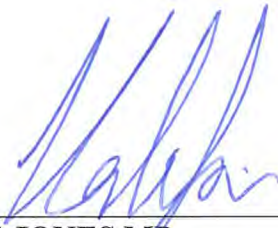
Constitution of Queensland 2001

I, the Honourable KATE JONES MP, Minister for Education, Minister for Tourism, Major Events and the Commonwealth Games, pursuant to section 55(1) of the *Constitution of Queensland 2001*, HEREBY DELEGATE to the persons who are from time to time the holders of the positions specified in Column 4 of Schedule 1, those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the *Constitution of Queensland 2001*, which are specified in Column 1 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.

Where the title of a designated position mentioned in this Instrument changes, but the duties, functions and responsibilities of that designated position remain substantially unchanged, then a reference to the title of that designated position in this Instrument is a reference to the changed title of that designated position.

This Instrument of Delegation is comprised of this page and Schedule 1 comprising 2 pages. No other material forms part of the Instrument.

This Instrument of Delegation revokes the Instrument of Delegation issued by the then Minister for Education and Training and Minister for the Arts on 5 February 2007 in relation to real property. However, this instrument does not limit any other Instrument of Delegation previously issued with respect to the powers, functions, authorities and duties of the Minister under the *Constitution of Queensland 2001*.



KATE JONES MP
MINISTER FOR EDUCATION AND
MINISTER FOR TOURISM, MAJOR EVENTS AND THE COMMONWEALTH
GAMES

DATED AT BRISBANE THIS 18th day of October 2017.

**SCHEDULE 1 – Table of Delegated Powers of Minister
Constitution of Queensland 2001**

Schedule 1 — Table of Minister's Delegated Powers — <i>Constitution of Queensland 2001</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations/Limitations	Delegate
s.54 and s.55	<p>Commercial activities by Minister</p> <p>The Minister may carry out commercial activities for the State.</p>	<p>Note: This delegation relates only to real property within the Education and Early Childhood Education and Care portfolios of the Minister.</p> <p>Do all that is necessary in the exercise of the Minister's powers to:</p> <ul style="list-style-type: none"> • approve the State of Queensland (through the Department of Education and Training) dealing with an interest in real property, including: <ul style="list-style-type: none"> ○ acquiring real property; ○ disposing of and excising real property owned by the State of Queensland and administered/managed by the Department; ○ entering into a lease of another party's real property; ○ granting of a lease over real property owned by the State of Queensland and administered/managed by the Department; ○ surrendering leases; ○ creating and cancelling reserves; ○ entry into easements, in relation to both a burden or benefit of real property owned by the State of Queensland and administered/managed by the Department; ○ surrendering easements; ○ registering a mortgage over another party's real property, approving release of any such mortgage, approving priorities of mortgages; ○ lodging caveats over real property; ○ registering writs and warrants of execution against real property; ○ amalgamating lots; and ○ creating sub-divided lots within a title. • validly execute, seal and deliver any deeds, contracts, Titles Office or other documents in connection with the transactions above. <p>Where exercising the delegation involves expenditure, the delegated officer can only approve expenditure up to the amount set by the Department's financial authorisations/delegations.</p> <p>Where exercising the delegation involves receipt of revenue, the delegated officer can only approve receipt of revenue up to the amount set by the Department's financial authorisations/delegations.</p> <p>The Delegate must comply with all relevant laws, legislation, and Queensland government and Department of Education and Training policies in relation to the particular real property transaction. In particular, but without limitation, the Queensland Government Land Transaction Policy (current</p>	<p>Director-General, Department of Education and Training</p> <p>Deputy Director-General, Corporate Services</p> <p>Assistant Director-General, Infrastructure Services</p> <p>Executive Director, Infrastructure Operations</p> <p>Executive Director, Infrastructure Planning and Delivery</p> <p>Director, Property, Emergency and School Security</p>

		<p>February 2016) may provide for conditions that must be complied with and endorsements that must be sought. The <i>Land Act 1994</i> (Qld) and other legislation may also require other processes and approvals.</p> <p>No Subdelegation Although s.55(2) of the <i>Constitution of Queensland 2001</i> allows an officer of the State to subdelegate the delegated power to another appropriately qualified officer of the State, the Delegates in this Instrument must not subdelegate the power delegated to them under this Instrument.</p>	
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