Director of Education

School Education Act 1999

Minister's Instrument of Delegation and Chief Executive Officer's Instrument of Sub-delegation

When exercising a delegated function, power or duty, reference must be made to the full legislative provision via the Western Australian Legislation website.

Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Sub-delegate	Column 5 Condition, limitation or restriction
Part 2 - Education of children during compulsory education period				
Division 1 - Compulsory education with alternatives in final years of compulsory education				
Subdivision 1 – Enrolment of children of compulsory school age				
ss11(1), (4)-(5)	Exempt a child from compulsory enrolment.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11(A)(1)(c)	If no person who at law has responsibility for the long-term or day-to-day care, welfare and development of a child is reasonably available at the relevant time, determine that an adult person is responsible for the child for the purposes of this Subdivision.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
ss11D(1)-(5), (7)	Receive from parent of a child enrolled in a course or combination of courses or who has become an apprentice as mentioned in s 11B(1): • Notice of arrangements made; • Further notice cancelling a notice given under subsection 1; • Notice of any variation of the arrangements notified under subsection 1 or any variation proposed to be made to a combination of courses; and • Notice that a child enrolled in a course or to be an apprentice as mentioned in s 11B(1) has ceased to be enrolled.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
Subdivision 1A — Alternatives to the operation of section 9 in final years of compulsory education				
ss11E(3)-(4	Relating to the enrolment of a child in a combination of courses, give parent concerned written acknowledgement: • of the choice of courses; • of a proposed variation under s 11D(4)(b); and • that the participation arrangements meet the requirements and regulations.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11E(6)	Take into account when making a decision about participation arrangements: • any enrolment of the child for part-time studies at a school; and • any part-time employment approved under s 11G.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11E(7)	Require a parent to give further information or documents to enable them to determine participation requirements	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
ss11G(1)-(2)	Give approval to the child being employed by a specified employer.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11G(4)	Take into account, when making a decision that the participation meets requirements, any part-time studies at a school and any part-time employment approved under s 11G.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11G(5)	Make an approval subject to any condition and at any time impose any further condition or vary or revoke a condition.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11G(6)	By notice to parent of the child concerned vary or revoke an approval.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.

Director of Education

School Education Act 1999

Minister's Instrument of Delegation and Chief Executive Officer's Instrument of Sub-delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Sub-delegate	Column 5 Condition, limitation or restriction
s11H(1)	Receive notice from parent of a child who is employed in accordance with an approval under s 11G.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11H(2)	Receive notice from parent of a child who has ceased to be employed in accordance with an approval under s 11G.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
s11L	Designate a child to be an independent child for the purposes of this Subdivision if satisfied, taking into account the factors specified in the legislation, they have the capacity to make their own decisions. Review or revoke a decision to designate a child as an independent child.	Chief Executive Officer	Director of Education	For students enrolled in government schools in their region or non-enrolled students residing within their region.
Subdivision 2 — Inquiries to check compliance with sections 9 and 11L				
s12	Authorise any person who comes within a class of employees referred to in s 235(1) and has the required expertise to exercise the powers conferred by this Subdivision.	Chief Executive Officer	Director of Education	For persons performing this role in a government school in their region and from within the staff of the regional office or government schools in their region.
s14	Provide an authorised person a certificate stating that they are an authorised person for the purposes of this Subdivision.	Chief Executive Officer	Director of Education	For persons performing this role in a government school in their region and from within the staff of the regional office or government schools in their region.
Division 2 - Enrolment, all schools				
s21(1)(f)	Authorise removal from the register on the ground that inquiries to establish the whereabouts of the child have not been successful.	Chief Executive Officer	Director of Education	For government schools in their region.
Division 5 - Absentee students and non-participating children				
Subdivision 2 - Attendance officers				
s33	Designate as an attendance officer any person who comes within a class of employees referred to in s 235(1)(a) or (c); employed in the Department and a member of the teaching staff of a government school.	Chief Executive Officer	Director of Education	For government schools in their region.
s34	Provide a certificate stating that the person has been designated as an attendance officer.	Chief Executive Officer	Director of Education	For government schools in their region.
Subdivision 4 - Dealing with non-attendance and non-participation and enforcing attendance and participation				
s39(1)	Appoint an Attendance Panel.	Chief Executive Officer	Director of Education	For government schools in their region.
s39(4)	Appoint 1 member of an Attendance Panel to be the chairperson provided they are not within a class of employees referred to in s 235(1)(a) or (c) or employed in the Department principally assisting the Minister in the administration of Part 4.	Chief Executive Officer	Director of Education	For government schools in their region.
s39(6)	Give directions in writing to an Attendance Panel as to its procedures.	Chief Executive Officer	Director of Education	For government schools in their region.
s39(8)	Ensure that an Attendance Panel is provided with such support services as it may reasonably require.	Chief Executive Officer	Director of Education	For government schools in their region.
Part 3 - Government schools				
Division 1 - Establishment, closure etc				
s57	If it is proposed to amalgamate 2 or more government schools or to close any government school permanently consult with: • parents of the students enrolled at the school(s); • the Council of each school; and • each P&C Association formed under s 142.	Chief Executive Officer	Director of Education	For government schools in their region.

Director of Education

School Education Act 1999

Minister's Instrument of Delegation and Chief Executive Officer's Instrument of Sub-delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Sub-delegate	Column 5 Condition, limitation or restriction
Division 4 - Enrolment				
ss87(1), (3)-(4)	Appoint a Disabilities Advisory Panel.	Chief Executive Officer	Director of Education	For government schools in their region.
Division 5 - Suspension and exclusion				
Subdivision 2 — Suspension and exclusion for breach of school discipline or disruptive behaviour				
s93(1), (4), (6)	Appoint a School Discipline Advisory Panel.	Chief Executive Officer	Director of Education	For government schools in their region.
Division 8 - Parent and community involvement				
Subdivision 1 - School Councils				
s129(2)-(4)	Approve additional functions for a school council.	Chief Executive Officer	Director of Education	For non-IPS in their region.
s135	Give directions in writing to a council with respect to the performance of its functions, either generally or in relation to a particular matter.	Chief Executive Officer	Director of Education	For government schools in their region.
Subdivision 2 - Parents and Citizens' Associations				
s145	Approve the provisions of the proposed constitution of an Association.	Chief Executive Officer	Director of Education	For government schools in their region.
Part 5 - Community kindergartens				
Division 3 - Operation and management of community kindergartens				
s203(1)	Approve for the parent management committee to take part in the selection of teaching staff for the kindergarten.	Chief Executive Officer	Director of Education	For Community Kindergartens in their region.
Part 6 - Administration				
Division 1 - The Minister				
s216(2)(a)	Acquire, hold, manage, improve, develop and dispose of property or an interest in property.	Chief Executive Officer	Director of Education	For school-based expenditure relating to government schools in their region up to $100,000 in value, excluding land and buildings.
s216(2)(b)	Accept any gift, devise or bequest if it is absolute or subject to conditions (to which the Minister agrees).	Chief Executive Officer	Director of Education	Nil
s216(2)(e)	Enter into any contract or arrangement	Chief Executive Officer	**Enter into any contract or arrangement with a financial implication.**	
			Director of Education	Up to $5,000,000 in value, GST inclusive, for government schools in their region.
			Enter into funding contracts or arrangements with the Commonwealth	
			Director of Education	Up to $2,000,000 in value, GST exclusive, for government schools in their region.
			Grant funds to not-for-profit organisations	
			Director of Education	Up to $100,000 in value, GST exclusive, for government schools in their region.
			Accept grant funding (non-Commonwealth)	
			Director of Education	Up to $500,000 in value, GST exclusive, for government schools in their region.
			Enter into a joint arrangement operating agreement	
			Director of Education	For government schools in their region.

Director of Education

School Education Act 1999

Minister's Instrument of Delegation and Chief Executive Officer's Instrument of Sub-delegation

When exercising a delegated function, power or duty, reference must be made to the full legislative provision via the Western Australian Legislation website.

Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Sub-delegate	Column 5 Condition, limitation or restriction
s216(3)(b)	Grant allowances, awards and scholarships for the purpose of furthering education whether in the government or non-government schools.	Chief Executive Officer	Director of Education	For government schools in their region.
s218(1) to (5) inclusive	Grant licence for use of tangible property vested in the Minister.	Chief Executive Officer	Director of Education	For government schools in their region.
s218(6)	Grant a licence for the purposes of a joint arrangement or for the purpose of furthering the joint arrangement.	Chief Executive Officer	Director of Education	For government schools in their region.

School Education Act 1999

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
Part 2 - Education of children during compulsory education period			
Division - Compulsory education with alternatives in final years of compulsory education			
Subdivision 1 — Enrolment of children of compulsory school age			
s11AA	Request parents by notice in writing to provide proof of child's enrolment or registration for home education.	Director of Education	For the intake areas for schools in their region.
Division 6 - Home education			
s47(1)	Receive application form from parent to be registered as a home educator.	Director of Education	For children in their region.
s47(2)	Require documentary evidence to be provided in support of an application to be a home educator.	Director of Education	For children in their region.
s48(1)	Register the parent as the child's home educator. Issue the parent with a certificate of registration.	Director of Education	For children in their region.
s49	Be informed by home educator of certain matters.	Director of Education	For children in their region.
s50	Appoint person as a home education moderator and evaluate the education programs of children whose education is provided under this division. Provide home education moderators a certificate stating they are appointed for the purposes of this section.	Director of Education	For children in their region.
s51	Deal with home educator's request to arrange for an evaluation of the child's educational programme and progress. Receive a copy of the home education moderator's report.	Director of Education	For children in their region.
s52	Give notice of concern and require evaluation.	Director of Education	For children in their region.
Part 3 - Government Schools			
Division 2 - Functions of chief executive officer, principals and teachers			

School Education Act 1999

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
s61	Determine, monitor and implement the standard of educational instruction in government schools and the standard of care provided to students in those schools.	Director of Education	Monitoring the standard of education instruction in government schools determined by the CEO (or delegate) in their respective region and the standard of care determined by the CEO (or delegate) to be provided to students in those schools. For government schools in their region.
Division 3 - Educational instruction			
s73(2)	Direct and control the content and implementation of an educational programme for a child with a disability.	Director of Education	Determine the policy and guidelines framework within which principals are to make decisions about the educational program for a child with a disability. Responsibility for ensuring that, for those government schools in their respective region, the decisions about the educational program for a child with a disability are made within the policy and guidelines framework issued by the CEO.
Division 4 - Enrolment			
s81	Approve enrolment, for that year, of a person whose compulsory education period has ended before the beginning of a year.	Director of Education	For government schools in their region. Prior to approving enrolment, a recommendation is to be sought from the Executive Director, Professional Standards and Conduct in regard to reg 19(5) of the School Education Regulations 2000.
s82	Make a decision on an issue in dispute. Determine at which other government school the child may be enrolled. Make an interim decision on an issue in dispute pending the making of a final decision.	Director of Education	For government schools in their region.
s83(2)	Cancel an enrolment and determine at which other government school the child may be enrolled.	Director of Education	For government schools in their region.
s83(3)	Give prior notice of proposed cancellation and the reasons for it and give reasonable opportunity to show why the enrolment should not be cancelled.	Director of Education	For government schools in their region.
s85	Obtain advice from an advisory panel for the purposes of any decision to be made under s 82 or 83.	Director of Education	For government schools in their region.
s86(1)	Consult with the child's parents and take into account the wishes of the child's parents in addition to the matters specified in s 84.	Director of Education	For government schools in their region.
Division 5 - Suspension and exclusion			
Subdivision 2 — Suspension and exclusion for breach of school discipline or disruptive behaviour			
s92(1)	Receive recommendation from Principal of a government school that there are grounds under s 91 for the exclusion of a student from attendance at the school.	Director of Education	For government schools in their region.
s92(3)	Refer recommendation and other information to a School Discipline Advisory Panel or a Disability Advisory Panel.	Director of Education	For government schools in their region.
s93(8)	Provide a School Discipline Advisory Panel with such support services as it may reasonably require.	Director of Education	For government schools in their region.
s96	Review a decision made under s 95.	Director of Education	For government schools in their region.
Division 6 - Financial Provisions			
Subdivision 1 - Fees for instruction, charges, contributions and costs			
s106(2)	Ensure that all specified steps under the Act have been taken before any administrative or legal action is taken to recover a debt under s 106(1).	Director of Education	For government schools in their region.
Subdivision 2 - School funds			
s110	Authorise the principal of a government school to establish funds for the receipt of donations and bequests for specified reasons.	Director of Education	For government schools in their region.

School Education Act 1999

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
s116(1)	Direct how moneys in a school fund are to be dealt with if a school is closed or amalgamated with another school. Operate the bank account for the fund of a school closed or amalgamated with another school to give effect to a direction under s 116(1)(a).	Director of Education	For government schools in their region.
Part 6 - Administration			
Division 2 - The Department			
s232	Give directions to a principal in writing with respect to the performance of the principal's functions under this Act.	Director of Education	In relation to principals of government schools in their region.
Division 3 - Staff employed in the department			
s236(2)	Engage, transfer, promote and otherwise manage the members of the teaching staff, other officers and wages staff.	Director of Education	• For government schools in their region, and within their Regional Office. Not including the power to terminate employment.

School Education Regulations 2000

Minister's Instrument of delegation and Chief Executive Officer's Instrument of Sub-delegation

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Part 3 - Management of government schools				
Division 7 - Advertising and sponsorship				
r50	Enter into a sponsorship arrangement within the limitations stated in regs 51, 52 and 53 of the School Education Regulations 2000.	Chief Executive Officer	Director of Education	For sponsorship agreements that have effect for no more than two years and up to a total value of $200,000 for government schools in their region.
Part 5 - Management and Control of government school premises				
Division 8 - Closure of School Premises				
r85	Vary or revoke an order made under reg 82(1).	Chief Executive Officer	Director of Education	For government schools in their region.
Part 6 - Government School Councils				
Division 2 – Constitution of Councils				
r104	Appoint an interim council for a school or appoint an interim council to operate jointly for 2 or more schools. Give approval referred to in sub regulation (1)(b). Appoint for an interim council such number of members, in such composition and for such term as is appropriate.	Chief Executive Officer	Director of Education	For councils of government schools in their region.
r106	Determine number of members a council operating for 2 or more schools jointly is to have.	Chief Executive Officer	Director of Education	For councils of government schools in their region.
r107	Determine the composition of a council if it operates for 2 or more schools jointly.	Chief Executive Officer	Director of Education	For councils of government schools in their region.
Part 7 - Parents and Citizens' Associations of government schools				
r124	Ensure proposed constitution of an association provides for prescribed matters before granting approval.	Chief Executive Officer	Director of Education	For an association formed at a government school in their region.

School Education Regulations 2000

Chief Executive Officer's Instrument of Delegation

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Part 2 - Enrolment and attendance			
Division 1 - Enrolment, all schools			
r8(1)	Ensure that the enrolment particulars referred to in reg 7 are retained for the prescribed period.	Director of Education	For government schools in their region.
Division 3 - Attendance			
r22(1)	Ensure retention of particulars of attendance for the specified period for government schools that close before the period referred to in reg 21(1) expires.	Director of Education	For government schools in their region.
Part 3 - Management of government schools			
Division 5 - Discipline			
Subdivision 2 - Suspension			
r43(1)(d)	Extend the period of suspension of a student from a public school.	Director of Education	For government schools in their region.
Part 4 - Financial Provisions for government schools			
Division 2 - Overseas and adult students			
r66	Waive whole or part of any fee for instruction for individual adult students in prescribed situations.	Director of Education	For students enrolled in government schools in their region.
Part 5 - Management and control of government school premises			
Division 8 - Closure of school premises			
r83(1)(a)	Receive notification that an order to temporarily close the whole of the school premises under reg 82(1) has been made.	Director of Education	As they relate to government schools in their region.
Division 11 - Review of decisions made under this Part			
r98	Review, on request from a person who is aggrieved, a principal's decision not to give permission for a school's premises to be used for specified activities and either confirm the decision or give the permission.	Director of Education	For decisions made by principals of government schools in their region.
r99(2)-(3)	Review, on request from an aggrieved person, a direction, an order or a decision and either confirm, vary or revoke the direction, order or decision.	Director of Education	For decisions made by principals of government schools in their region.
r100	Review, on request from an aggrieved person, a prohibition order and may confirm, vary or revoke the order.	Director of Education	For decisions made by principals of government schools in their region.
r101(1)	Undertake a review under this Division in accordance with the matters included in the Regulation.	Director of Education	For decisions made by principals of government schools in their region.
Part 6 - Government school Councils			
Division 2 - Constitution of Councils			
r108(4)	Inquire into any matter affecting a council election or appointment and if any irregularity has occurred declare the results of election or appointment invalid or order an election or appointment or new election or appointment to be conducted.	Director of Education	For councils of a government school in their region.
Part 7 - Parents and Citizens' Associations of government schools			
r122	Approve an Association to do any of the things specified in relation to the school(s) for which it is formed.	Director of Education	For an Association formed at a government school in their region.
r123(1)	Order the closure or abolition of any resource, facility or amenity provided by an Association if certain prescribed facts can be established.	Director of Education	For an Association formed at a government school in their region.

School Education Regulations 2000

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
Part 8 - Staff employed in the department			
Division 1 - General			
r125	Extend probation in accordance with the relevant industrial Award or Agreement for all persons employed under s236(2).	Director of Education	In respect to: • principals employed at government schools in their region; and • other officers and wages staff employed within their regional office.
Part 10 - Community kindergartens			
Division 3 - Management of kindergartens			
r139(1)	Ensure, in so far as is practicable, that the particulars recorded in the registers of kindergartens are preserved indefinitely when the period referred to in regulation 138(b) expires.	Director of Education	For all kindergartens in their region.
r139(2)	If it is not practicable to retain permanently the particulars referred to in reg 139(1), authorise the disposal or destruction of the particulars.	Director of Education	For all kindergartens in their region.

Public Sector Management Act 1994

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
Part 3B – Chief executive officers and chief employee			
s29(1)(g)	To manage and direct employees of the Department and to be responsible for the recruitment, selection, appointment and deployment of employees.	Director of Education	For the imposition and extension of probationary employment for government schools in the region, and within their Regional Office.
Part 3 - Public Service			
Division 3 - Public service officers other than executive officers			
s64	Appoint a person as a public service officer.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions. Subject to the position being approved within the organisational structure by the Director General as per s 36(1)(a).
s65	Transfer a public service officer at the same level of classification.	Line Managers	For public service officers in their work area or unit up to and including Level 8 positions. Subject to the position being approved within the organisational structure by the Director General as per s 36(1)(a).
s66	Enter into an arrangement in writing with another department or organisation or with an employer outside the Public Sector for the secondment of a public service officer.	Line Managers	For public service officers in their work area or unit up to and including Level 8 positions.
Part 8 - Miscellaneous			
s100	Engage a person under a contract for services. Appoint a person on a casual employment basis.	Line Managers	In their work area or unit.
s103	Reappoint a public service employee who resigned to stand for election and failed to be elected.	Line Managers	For all public service positions in their work area or unit up to and including Level 8 positions.
s107(1)	To direct an employee to perform the functions, obligations and rights during any vacancy in that office, post or position or during the temporary absence or incapacity of the incumbent, as the case requires	Directors	To direct an employee under their management to act in a position within their branch or directorate (for up to and including Manager level positions).

Public Sector Management (Redeployment and Redundancy) Regulations 2014

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
Part 2 - Registrable employees			
r8(2)	Give the employee written notice of all relevant information relating to the determination.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions or equivalent. *School Education Act 1999* staff up to and including Principals.
r8(4)	Consult with the employee in relation to the matters set out in the notice.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions or equivalent.
r8(8)	If the determination is revoked, give the employee written notice of the revocation.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions or equivalent.
Part 3 - Administrative Matters			
Division 6 - Information Sharing			
28B(1), (2)	Disclose information to, or request information from, the CEO of another prescribed authority or an authorised entity if of the opinion that the information is relevant information.	Director of Education	Information must relate to the wellbeing of students enrolled in government schools in their region.

Children And Community Services Act 2004

Chief Executive Officer's Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
Part 5A - Responsible Parenting Agreements			
131D	Enter into a Responsible Parenting Agreement.	Director of Education	For government schools in their region.