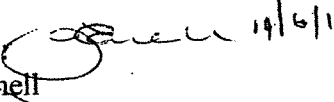




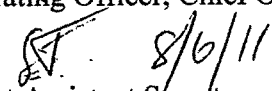
## EXECUTIVE MINUTE

**Acting Secretary**

SecCorro Number:  
0005138

Through  19/6/11  
 Ms Connell  
 Chief Operating Officer, Chief Operating Officer Group

Copies to:  
 Ms Mason  
 Ms Connell  
 Mr Taylor  
 Ms Sutton

Mr Taylor  8/6/11  
 Acting First Assistant Secretary, Corporate Services Division

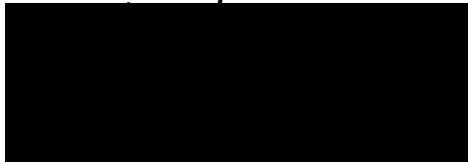
### Freedom of Information Authorisations

**Due Date:** Thursday 16 June 2011

**Recommendation:**

That you **sign** the attached Instrument of Authorisation under subsection 23(1) of the *Freedom of Information Act 1982* (FOI Act) to reflect the amendments to the FOI Act which commenced on 1 May 2011.

**SIGNED** / AMENDMENTS REQUIRED



Stein Helgeby

15 June 2011

**Issue:**

2. On 31 May 2010 the *Freedom of Information (Amendment) Reform Act 2010* (FOI Reform Act) and the *Australian Information Commissioner Act 2010* (AIC Act) received Royal Assent. The majority of measures in the FOI Reform Act commenced on 1 November 2010, with the remaining measures commencing on 1 May 2011.

3. These remaining measures implemented the Information Publication Scheme (IPS), whereby agencies are required to proactively publish a broad range of information, and also copies of documents released under FOI (subject to certain exceptions) once they are released to an Applicant.

4. Under subsection 23(1) of the FOI Act, decision makers are authorised by the principal officer of an agency to make decisions. The definition of "principal officer" includes the Secretary of a Department.

5. The current Instrument of Authorisation was signed by the Secretary on 22 October 2010. A new Instrument of Authorisation is required to enable officers of the Department to exercise additional powers under the FOI Act following the measures which commenced on 1 May 2011.

6. As all the FOI requests made to Finance prior to 1 November 2010 have been finalised, there is no requirement for any officers to be authorised to make decisions under the old FOI Act. Accordingly, the attached instrument revokes all previous Instruments of Authorisation.

7. The measures which commenced on 1 May 2011 (sections 8D and 11C of the FOI Act), are reflected in items AA and BB of the Schedule to the attached instrument. These provide for the imposition of charges on someone accessing published information other than via the Finance website, and only in order to reimburse Finance for the specific reproduction or incidental costs of providing the information. The powers have been authorised to the Assistant Secretary, Legal Services Branch, and the Department's FOI Coordinator, in Legal Services Branch.

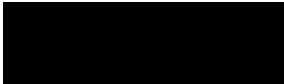
8. We have also expressly empowered the FOI Coordinator to exercise all the powers of an EL2 decision maker, plus imposing charges under Items AA and BB, and deciding whether to apply to the Information Commissioner for a declaration that an applicant is vexatious (Item U).

**Background:**

9. N/A.

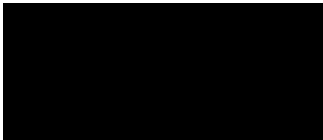
**Consultation:**

10. N/A.

  
Patricia Hawley  
Acting Assistant Secretary  
Legal Services Branch  
Corporate Services Division

8 June 2011

Reference:  
Contact Officer:  
Telephone:  
Location:  
e-mail:

RMS09/12492  




**Australian Government**

**Department of Finance and Deregulation**


**INSTRUMENT OF AUTHORISATION**

***FREEDOM OF INFORMATION ACT 1982***

I, STEIN HELGEBY, Acting Secretary of the Department of Finance and Deregulation (Finance), acting under subsection 23(1) of the *Freedom of Information Act 1982* (the Act):

- a) **REVOKE** all existing authorisations made under subsection 23(1) of the Act;
- b) **AUTHORISE** all persons occupying or performing the duties of a Senior Executive Service officer within Finance to exercise powers under the Act of the types specified in Items 'A' to 'T' of the Schedule;
- c) **AUTHORISE** all persons occupying or performing the duties within Finance of an Executive Level 2 officer and, within the Asset Management and Parliamentary Services Group of Finance, of an Executive Level 1 officer, to exercise powers under the Act of the types specified in Items 'A' to 'S' of the Schedule;
- d) In addition to the powers set out in (b) above, **AUTHORISE** the Senior Executive Service officer in the Legal Services Branch of Finance to exercise the powers under the Act of the types specified in Items 'AA', 'BB' and 'U' of the Schedule; and
- e) **AUTHORISE** the FOI Coordinator in the Legal Services Branch of Finance to exercise the powers under the Act of the types specified in Items 'AA' to 'S' and 'U' of the Schedule.

Dated this 15<sup>th</sup> day of JUNE 2011.

  
Stein Helgeby

15/6/2011

**FREEDOM OF INFORMATION ACT 1982**

**SCHEDULE**

<b>ITEM*</b>	<b>FOI ACT SECTION*</b>	<b>BRIEF DESCRIPTION</b>
AA	8D	To impose charges for accessing information other than via the website, and only in order to reimburse Finance for specific reproduction costs or other specific incidental costs of providing the information.
BB	11C	To impose charges for accessing information other than via the website, and only in order to reimburse Finance for specific reproduction costs or other specific incidental costs of providing the information.
A	11A	To make an access decision.
B	11B	To consider public interest factors and the Guidelines.
C	15	To acknowledge receipt of request, to notify applicant of a decision on request, and to notify applicant of decision to decide to extend the statutory response time by 30 days where consultation is required under sections 26A, 27 or 27A.
D	15AA	Seeking extension of time to deal with request with agreement.
E	15AB	Seeking extension of time to deal with complex or voluminous requests.
F	15AC	Application to Australian Information Commissioner for further time to deal with request.
G	16, 51C	To transfer a request to another agency.
H	20	To grant access to a document in a particular form.
I	21	To defer access to a document.
J	22	To delete exempt and irrelevant material and to grant access otherwise to such a document.
K	24	To decide to refuse to grant access to a document that would involve the substantial and unreasonable diversion of Finance's resources from its other operations.
L	24AB	To provide a written notice for the purposes of section 24.
M	24A	To decide the refuse access to a document on the grounds that the document cannot be found, do not exist, or have not been received.
N	25	To neither confirm nor deny the existence of a document.
O	26	To give notice of a decision.
P	26A, 27, 27A	To undertake consultation on documents.
Q	29	To decide to impose, or not impose, or reduce, a charge.
R	Part IV	To decide a document is an exempt document (both in full and conditionally).
S	Part V	To decide to amend, refuse to amend, annotate or refuse to annotate a personal record.
T	Part VI	To make a decision on internal review.
U	Part VIII	To make an application to the Information Commissioner in relation to a vexatious applicant

\*All provisions referred to are provisions of the *Freedom of Information Act 1982* as at 1 May 2011.