



23 Marcus Clarke Street
Canberra ACT 2601

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Our ref: #1002209
Contact officer: William Herron
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28 March 2017

www.accc.gov.au

Sent via email to: foi+request-3215-8c23faeb@righttoknow.org.au

Dear JS

Decision on freedom of information request

I refer to your email dated 9 March 2017 to the Australian Energy Regulator (AER) requesting, under the *Freedom of Information Act 1982* (Cth):

'a copy of the current FOI Delegations, and any related directions issued in respect of FOI.'

As previously noted, whilst the AER is a separate legal entity, it does not hold separate records in its own right and is staffed by the ACCC. Therefore, FOI requests for AER documents are processed by ACCC's FOI section.

FOI decisions are required, under s.23 of the Act, to be made by the principal officer of the ACCC or by an officer in accordance with arrangements authorised by the principal officer. These arrangements are via an instrument of authorisation rather than delegation.

Decision

I have decided to release the instrument of authorisation to you. Your review rights are set out in [Attachment A](#).

The ACCC has not issued any related directions in respect of FOI.

I am authorised under s.23 of the Act to make this decision.

No charges

Under the Act, the first 5 hours (\$100.00) of processing your request are free. As the cost of processing your request is less than \$100.00, there are no charges for processing your request.

Publication of documents released under FOI

Please note that the document released under this request is already publicly available on the ACCC's Disclosure Log located at:

<http://foi.accc.gov.au/sites/foi.accc.gov.au/files/repository/ACCC%20FOI%20Request%2013-2017%20-%20Document%201.pdf>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sonya Petreski'.

Sonya Petreski
FOI Administration Assistant
ACCC Legal Group

Sent by email 28/03/2017

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

FREEDOM OF INFORMATION ACT 1982

AUTHORISATION UNDER SECTION 23

I, Rodney Sims, Principal Officer of the Australian Competition and Consumer Commission, hereby approve the following arrangements under subsections 10A(1) and 23(1) of the *Freedom of Information Act 1982* (the Act), enabling the persons from time to time holding, occupying or performing the duties or functions of the positions and levels specified in Column 2 of Schedule 1 of this Authorisation to make the decisions specified in Column 3 of Schedule 1 of this instrument.

In this instrument of Authorisation:

information publication scheme decision means exercising powers and functions under Part II of the Act

initial decision means:

- (a) a decision in connection with accessing documents under Part III of the Act;
- (b) a decision to release documents to a qualified person under s.47F of the Act;
- (c) a decision about amending or annotating personal information about a person under Part V of the Act; and
- (d) a decision about whether a person is liable to pay a charge in respect of a request.

internal review decision means:

- (a) a review of an initial decision mentioned in paragraph (a), (b), (c) or (d) of the definition of initial decision and to make a fresh decision; and
- (b) any other decision under Part VI of the Act.

Schedule 1

Column 1 Item	Column 2 Position	Column 3 Decision
1	(a) Chief Executive Officer (b) Deputy Chief Executive Officer (c) Executive General Managers (d) Group General Managers	All of the following decisions: (a) an initial decision (b) a decision under the <i>Freedom of Information</i>

Column 1 Item	Column 2 Position	Column 3 Decision
	(e) General Managers (f) SES lawyer, Legal Group (g) Lawyer tier 2, Legal Group (h) Lawyer tier 1, Legal Group (i) Director, Enforcement and Compliance Division (j) Director, Human Resources Branch (k) Director, Mergers and Adjudications Group (l) Director, Legal Group (m) Assistant Director, Legal Group (n) Compliance Officer, Legal Group (o) Legal Funding Coordinator, Legal Group (p) FOI Coordinator (q) FOI Administrative Assistant (r) Lawyer trainee (not yet admitted), Legal Group (s) Graduate, Legal Group	<i>(Fees and Charges) Regulations</i>
2	(a) Chief Executive Officer (b) Deputy Chief Executive Officer (c) Executive General Managers (d) Group General Managers (e) General Managers (f) SES lawyer, Legal Group (g) Lawyer tier 2, Legal Group (h) Lawyer tier 1, Legal Group	An internal review decision
3	(a) Chief Executive Officer (b) Deputy Chief Executive Officer (c) Executive General Managers (d) Group General Managers (e) General Managers (f) SES lawyer, Legal Group (g) Lawyer tier 2, Legal Group (h) Lawyer tier 1, Legal Group	An information publication scheme decision

Column 1 Item	Column 2 Position	Column 3 Decision
	(i) Director, Corporate Division (j) Director, Enforcement and Compliance Division (k) Director, Mergers and Adjudications Group (l) Director, Legal Group (m) Assistant Director, Corporate Division (n) Assistant Director, Legal Group (o) FOI Content Coordinator, Corporate Division (p) Administration Assistant, Corporate Division (q) FOI Coordinator (r) FOI Administrative Assistant (s) Compliance Officer, Legal Group (t) Legal Funding Coordinator, Legal Group (u) Lawyer trainee (not yet admitted), Legal Group (v) Graduate, Legal Group	

Dated this 20th day of February 2013



Rodney Sims
Principal Officer
Australian Competition and Consumer Commission

ATTACHMENT A

INFORMATION ON RIGHTS OF REVIEW

1. ACCC Internal Review

Under s.54 of the FOI Act, you can apply for an internal review of my decision by writing to the ACCC within 30 days of receipt of this letter indicating that you seek an internal review of this decision.

If you make an application for review, another officer of the ACCC will review and make another decision in regards to these documents.

There is no charge payable for requesting an internal review. No particular form is required to apply for review. You will need to set why the decision should be changed.

Please send any correspondence to:

FOI Coordinator

Australian Competition & Consumer Commission

GPO Box 3131

Canberra ACT 2601

If you make an application for internal review and we do not make a decision within 30 days or such further period as the IC allows, the original decision is considered affirmed. In such circumstances, you can seek review of our deemed decision by the IC.

2. Review by the Information Commissioner

You may ask for a review of a decision by the Australian Information Commissioner (IC). You do not have to go through our internal review process first for this process. If you do choose to seek an internal review, you can still seek IC review for the internal review decision if we refuse access to the documents.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au

If you disagree with the Information Commissioner's review decision, you can appeal to the Administrative Appeals Tribunal (AAT).

The Tribunal is a completely independent review body with the power to make a fresh decision. A filing fee of \$861.00 (as at 1 July 2014) should accompany your application, unless you are granted legal aid or you come within an exempt category of persons (check with the Tribunal registry in your State). The Registrar or Deputy Registrar may waive the fee on the ground that its payment would impose financial hardship on you. The fee may be refunded if you are successful.

3. Complaint to the Information Commissioner

You may request the Information Commissioner to investigate action taken by the ACCC in relation to this Freedom of Information request. There is no fee for making a complaint. The Information Commissioner will consider your complaint and, if appropriate, conduct an investigation into it. Any investigation will be completely independent.

You must lodge your complaint in writing and do so in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au