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Our ref: #1001110
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23 November 2018

Mr Ben Fairless

Via email to: foi+request-4994-ed7ede7b@righttoknow.org.au

Dear Mr Fairless

Administrative release of a document

I refer to your email of 15 November 2018 to the Australian Energy Regulator (AER) requesting access to:

'Under section 23 of the Freedom of Information Act, the principal officer or minister can make arrangements to give their decision making powers to others.

I'm hoping you can provide me with a copy of the current arrangements if possible.

If it helps, I'm happy for you to process this request under "administrative release" (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-3-processing-requests-for-access#access-to-government-information-administrative-release>). This would reduce the cost and time required to make a formal decision.'

While the AER is a separate legal entity to the Australian Competition and Consumer Commission (ACCC), it does not hold separate documents in its own right and is staffed by the ACCC. Therefore, FOI requests to the AER are processed and decided by the ACCC.

Attached is a copy of the ACCC's current authorisation under section 23 of the *Freedom of Information Act 1982*, which we are happy to release to you outside the FOI process.

If you have any questions regarding the above, please contact me on
(02) 6243 1244.

Yours sincerely



Will Herron

FOI Coordinator
ACCC Legal Group

Sent by email 23/11/2018

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, Part VII or Part VIII of the Act.

Schedule 1

Column 1 Item	Column 2 Position	Column 3 Decision
1	(a) Chief Operating Officer (b) Executive General Managers (c) General Managers (d) Deputy 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) SES lawyer, Legal and Economic Division (f) Lawyer tier 2, Legal and Economic Division (g) Lawyer tier 1, Legal and Economic Division (h) Director, Enforcement (i) Director, People and Culture (j) Director, Mergers and Authorisation Review Division (k) Director, Legal and Economic Division (l) Assistant Director, Legal and Economic Division (m) FOI Coordinator (n) Legal Information Coordinator, Legal and Economic Division (o) Compliance Officer, Legal and Economic Division (p) Legal Services Funding Coordinator, Legal and Economic Division (q) FOI Administrative Assistant (r) Graduate, Legal and Economic Division	<i>(Fees and Charges) Regulations</i>
2	(a) Chief Operating Officer (b) Executive General Managers (c) General Managers (d) Deputy General Managers (e) SES lawyer, Legal and Economic Division (f) Lawyer tier 2, Legal and Economic Division (g) Lawyer tier 1, Legal and Economic Division (h) FOI Coordinator	An internal review decision
3	(a) Chief Operating Officer (b) Executive General Managers (c) General Managers (d) Deputy General Managers (e) SES lawyer, Legal and Economic Division (f) Lawyer tier 2, Legal and Economic Division (g) Lawyer tier 1, Legal and Economic Division	An information publication scheme decision

Column 1 Item	Column 2 Position	Column 3 Decision
	(h) Director, Corporate Division (i) Director, Enforcement (j) Director, Mergers and Authorisation Review Division (k) Director, Legal and Economic Division (l) Assistant Director, Corporate Division (m) Assistant Director, Legal and Economic Division (n) FOI Coordinator (o) Compliance Officer, Legal and Economic Division (p) Legal Services Funding Coordinator, Legal and Economic Division (q) Legal Information Coordinator, Legal and Economic Division (r) FOI Administrative Assistant (s) Graduate, Legal and Economic Division	

Dated this

15th

day of

February

2018



Rod Sims
Principal Officer
Australian Competition and Consumer Commission