



## Instrument of Delegation No. 5 of 2017

### Delegation relating to Freedom of Information and Privacy Functions and Powers

I, Carl-Magnus Larsson, Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency and Principal Officer for the purposes of the *Freedom of Information Act 1982*, make this Delegation in accordance with:

1. section 23 of the *Freedom of Information Act 1982*; and
2. section 54B(3) of the *Freedom of Information Act 1982*.

#### 1. Definitions and Interpretation

In this Instrument of Delegation, the following definitions apply:

**ARPANSA** means the Australian Radiation Protection and Nuclear Safety Agency

**ARPANS Act** means the *Australian Radiation Protection and Nuclear Safety Act 1998*.

**CEO** means the Chief Executive Officer of ARPANSA as established under section 14 of the ARPANS Act

**Instrument** means this Instrument of Delegation

**FOI** means freedom of information

**FOI Act** means the *Freedom of Information Act 1982*

**Official** means the employees from time to time performing the duties of the job category specified in Schedule A to this instrument

**Power** includes function, duty and responsibility, but does not include the power to sub-delegate

In this Instrument, unless the context includes a contrary intention:

- (a) words importing the singular include the plural and vice versa;
- (b) headings are for convenience only and shall not affect interpretation;
- (c) a schedule to this Instrument forms part of this Instrument;
- (d) a reference to a schedule is a reference to a schedule of this Instrument;
- (e) a reference to a statute, regulation, proclamation, ordinary or by-law includes all statutes, regulations, proclamations, ordinances or by-laws varying, consolidating or replacing it, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;
- (f) a reference to a document or agreement includes all amendments or supplements to, or replacements or novations of, that document or agreement;
- (g) if any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (h) references to clauses and sub-clauses are references to clauses and sub-clauses of this Instrument.

#### 2. Delegation under the FOI Act

2.1. The Delegations made in Schedule 1 are made under section 23 of the FOI Act.

- 2.2. The Delegations made in Schedule 2 are made under sub-section 54B(3) of the FOI Act.
- 2.3. The officials for the purposes of section 23 and sub-section 54B(3) are the persons for the time being holding, occupying or performing the duties of the positions specified in Column 3 of each Schedule.
- 2.4. Each official is delegated the power of the CEO under the provision of the PGPA Act or the PGPA Rule mentioned in Column 2 of each Schedule.

**3. Effect of Delegations on Previous Delegations and Authorisations**

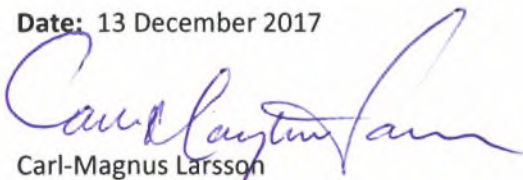
- 3.1. On the commencement of this Instrument, all previous instruments of delegation relating to FOI and Privacy powers are revoked and cease to have effect.
- 3.2. Despite clause 3.1, any action, including the making of an Instrument of Delegation, done until the commencement of this Instrument in reliance on and in conformity with previous delegations relating to FOI and Privacy powers continues to have effect; and may continue to be taken, as if it had been taken under and in conformity with the corresponding provision or group of provisions of this Instrument.

*Note:* An amendment that revokes a particular provision in this Delegation does not invalidate a power or function exercised, or a document issued, by the delegate before that provision was revoked.

**4. Directions and Limitation of Delegations**

- 4.1. In exercising powers under these delegations, Officials shall take into account the following matters:
  - a) powers must be exercised in accordance with all relevant laws, including workplace instruments with legal effect, and any relevant Commonwealth policy, procedure or guideline applying from time to time;
  - b) powers must be exercised in accordance with any applicable ARPANSA policy, procedure or guideline applying from time to time;
  - c) powers must be exercised in accordance with any limitations expressed to apply to specified powers as provided in Schedule B;
  - d) powers must be exercised in accordance with any further written direction as given by me from time to time;
  - e) powers must not be exercised with respect to the Official's own position, conditions or entitlements; and
  - f) Officials, other than the General Counsel, must not exercise powers in relation to FOI requests relating to functions or employees within their own Branch or Office.

**Date:** 13 December 2017



Carl-Magnus Larsson  
CEO of ARPANSA

**SCHEDULE A**

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 Delegation relating to FOI and Privacy Functions and Powers

**Definitions applying in Schedules**

In Schedule 1 and Schedule 2 the following definitions apply:

***BH** means the Branch Heads of Medical Radiation Services, Radiation Health Services and Regulatory Services Branches*

***FOI&PO** means FOI and Privacy Officer*

***GC** means General Counsel*

***OH** means the Office Heads of the Office of the CEO and Corporate Office*

**SCHEDULE 1: Delegation of Principal Officer’s powers under section 23 of the FOI Act**

Column 1: Item No.	Column 2: Power	Column 3: Official	Column 4: Directions and Limitations
1.	grant, defer or refuse to grant access to documents in accordance with the various provisions of Part III and IV of the FOI Act	BH FOI&PO OH GC	Branch Heads and Office Heads must not exercise the power where the subject matter of the request relates to the staff or activities of their own Branch or Office
2.	transfer or not transfer a request under section 16 and 51C of the FOI Act	FOI&PO GC	
3.	extend the time limit on a request or seek an extension of time on a request in accordance with sections 15(6), 15AA, 15AB, s15AC or 54B of the FOI Act	FOI&PO GC	

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<b>Column 1: Item No.</b>	<b>Column 2: Power</b>	<b>Column 3: Official</b>	<b>Column 4: Directions and Limitations</b>
4.	grant access in another form in accordance with section 20 of the FOI Act	BH FOI&PO OH GC	Branch Heads and Office Heads must not exercise the power where the subject matter of the request relates to the staff or activities of their own Branch or Office
5.	make a decision under section 29 of the FOI Act, and in accordance with the Freedom of Information (Charges) Regulations 2010 to impose, reduce or not impose a charge	BH FOI&PO OH GC	Branch Heads and Office Heads must not make a decision to reduce or not impose a charge
6.	agree to, or refuse, a request for amendment of records or annotation of records under section 50, 51 and 51B of the FOI Act	FOI&PO GC	
7.	to undertake a review of an access grant or access refusal decision in accordance with Part VI of the FOI Act	BH FOI&PO GC	Branch Heads must not exercise the power where the subject matter of the request relates to the staff or activities of their own Branch

**SCHEDULE 2: Delegation of Principal Officer's powers under sub-section 54B(3) of the FOI Act**

<b>Column 1: Item No.</b>	<b>Column 2: Power</b>	<b>Column 3: Official</b>	<b>Column 4: Directions and Limitations</b>
1.	to allow an applicant extra time in which to request a review of a decision in accordance with Part VI of the FOI Act	FOI&PO GC	