

**Assistant Minister for Education**

**General Direction of Assistant Minister**

***Information Privacy Act 2009***

(Version 1 – April 2018)

*NOTE: The Executive Director, Legal and Administrative Law Branch must be consulted regarding all proposed amendments to these directions.*


# INSTRUMENT OF DIRECTION

## *Information Privacy Act 2009*

I, Brittany Lauga MP, Assistant Minister for Education, pursuant to section 51(1) of the *Information Privacy Act 2009*, DIRECT the persons who are from time to time the holders of the positions specified in Column 4 of Schedule 1, to deal with applications in accordance with those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the *Information Privacy Act 2009*, which are specified in Column 1 of the Schedule, subject to the limitations (if any) specified in Column 3 of the Schedule.

This Instrument of Direction is comprised of this page and Schedule 1 comprising two pages. No other material forms part of the Instrument.

This Instrument of Direction revokes and replaces any other Instrument of Direction in respect of those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the *Information Privacy Act 2009*.



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**Brittany Lauga MP**  
**ASSISTANT MINISTER FOR EDUCATION**

DATED AT BRISBANE THIS 13 day of June, 2018.

**SCHEDULE 1 – Table of Directions of Assistant Minister**  
***Information Privacy Act 2009***

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations/ Limitations	Person Directed
<b>Chapter 3 Disclosure and amendment by application under this Act</b>			
<b>Part 3 Dealing with application and Part 8 Internal review</b>			
51(1)	<p><b>Decision-maker for application to Minister</b></p> <p>(1) An access or amendment application to a Minister may be dealt with by the person the Minister directs, either generally or in a particular case.</p> <p>(2) However—</p> <p>(a) the Minister may not direct the person to deal with the application to the extent it involves—</p> <p>(i) making a healthcare decision; or</p> <p>(ii) appointing a healthcare professional under paragraph (b); but</p> <p>(b) the Minister may appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to the application.</p> <p>(3) In this section— <i>deal</i>, with an access or amendment application, includes deal with an application for internal review in relation to the access or amendment application.</p> <p><i>Examples of dealing with an application for internal review—</i></p> <ul style="list-style-type: none"> <li>• making a new decision under section 94(2)</li> <li>• giving notice under section 97(3)</li> </ul> <p><i>healthcare decision</i> see section 50.</p>	<p>This direction extends to dealing with applications that:</p> <ul style="list-style-type: none"> <li>• seek access or amendment to documents relating to the Assistant Minister’s Education portfolio obligations; and</li> <li>• seek access or amendment to documents relating to the entirety of the Assistant Minister’s portfolio obligations without distinction (for example an RTI application for ‘all emails sent to/from the Assistant Minister from date x to date y’); and</li> <li>• deal with an aspect of the administration of the Assistant Minister’s Office (for example, an RTI application requesting access to credit card records for the office of the Minister’).</li> </ul> <p><u>Initial application observations:</u></p> <p>This direction does not give a person the power to deal with an Information Privacy application to the extent that it involves making a “healthcare decision” (as defined in the Act) or appointing a “healthcare professional” (as defined in the Act).</p> <p><u>Internal review limitations:</u></p> <p>The persons holding the following positions do not have delegated power to deal with an application for internal review:</p> <ul style="list-style-type: none"> <li>• Executive Services Officer, Legal &amp; Administrative Law Branch</li> <li>• RTI Support Officer, Legal</li> </ul>	<ul style="list-style-type: none"> <li>• Executive Services Officer, Legal &amp; Administrative Law Branch</li> <li>• RTI Support Officer, Legal &amp; Administrative Law Branch</li> <li>• Policy Officer, Legal &amp; Administrative Law Branch</li> <li>• Senior Policy Officer, Legal &amp; Administrative Law Branch</li> <li>• Principal Information Officer, Legal &amp; Administrative Law Branch</li> <li>• Legal Officer, Legal &amp; Administrative Law Branch</li> <li>• Lawyer, Legal &amp; Administrative Law Branch</li> <li>• Senior Legal Officer, Legal &amp; Administrative Law Branch</li> <li>• Senior Lawyer, Legal &amp; Administrative Law Branch</li> <li>• Principal Legal Officer, Legal &amp; Administrative Law Branch</li> <li>• Principal Lawyer, Legal &amp; Administrative Law Branch</li> <li>• Manager, Information Release, Legal &amp; Administrative Law Branch</li> <li>• Manager, Legal &amp; Administrative Law</li> </ul>

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations/ Limitations	Person Directed
		& Administrative Law Branch <u>Internal review observations:</u> The internal review application must not be decided by: <ul style="list-style-type: none"> <li>• the person who made the reviewable decision; or</li> <li>• a person who is less senior than that person.</li> </ul>	Branch <ul style="list-style-type: none"> <li>• Director, Legal &amp; Administrative Law Branch</li> <li>• Executive Director, Legal &amp; Administrative Law Branch</li> <li>• Executive Director, Office of the Director-General</li> </ul>