

Assistant Minister for Education

General Direction of Assistant Minister

Information Privacy Act 2009

(Version 4 – January 2021)

NOTE: The Executive Director, Legal Services 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, under 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* relating to:

- Education; and
- Early Childhood Education and Care

subject to the limitations (if any) specified in Column 3 of Schedule 1.

This Instrument of Direction is comprised of this page, and Schedule 1 comprising one page. 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* relating to Education and Early Childhood Education and Care of the Department of Education.

Lauga

Brittany Lauga MP
ASSISTANT MINISTER FOR EDUCATION

DATED AT ~~BRISBANE~~ THIS 15 day of January, 2021.
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SCHEDULE 1 – Table of Directions of Assistant Minister
Information Privacy Act 2009

| Schedule 1 – Table of Directions of Assistant Minister – <i>Information Privacy Act 2009</i> | | | |
|--|--|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| Reference | Nature of Power | Observations/ Limitations | Person Directed |
| Chapter 3 – Disclosure and amendment by application under this Act | | | |
| Part 3 – Dealing with application and Part 8 Internal review | | | |
| s.51(1) | <p>Decision-maker for application to Minister</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—</p> <p>deal, 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"> • making a new decision under section 94(2) • giving notice under section 97(3) <p>healthcare decision see section 50.</p> | <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"> • Policy Officer, Legal Services | <ul style="list-style-type: none"> • Policy Officer, Legal Services • Senior Policy Officer, Legal Services • Principal Information Officer, Legal Services • Information Officer, Legal Services • Legal Officer, Legal Services • Lawyer, Legal Services • Senior Lawyer, Legal Services • Principal Lawyer, Legal Services • Manager, Information Release, Legal Services • Manager, Legal Services • Director, Legal Services • Executive Director, Legal Services |