

**Minister for Education,
Minister for Industrial Relations and
Minister for Racing**

General Direction of Minister

Right to Information Act 2009

(Version 8 – January 2021)

NOTE: The Executive Director, Legal Services must be consulted regarding all proposed amendments to these directions.

INSTRUMENT OF DIRECTION

Right to Information Act 2009

I, the Honourable Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, under section 31(1) of the *Right to Information 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 *Right to Information Act 2009*, relating to:

- Education;
- Early Childhood Education and Care; and
- Racing

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 *Right to Information Act 2009* to Education and Early Childhood Education and Care of the Department of Education.



Grace Grace MP

**MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS and
MINISTER FOR RACING**

DATED AT BRISBANE THIS Fifth day of January, 2021.

SCHEDULE 1 – Table of Directions of Minister
Right to Information Act 2009

Schedule 1 – Table of Directions of Minister – <i>Right to Information Act 2009</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations/ Limitations	Person Directed
Chapter 3, Part 1 to 8 – Disclosure by application under this Act			
s.31(1)	<p>Decision-maker for application to Minister</p> <p>(1) An access 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 style="padding-left: 20px;">(i) making a healthcare decision; or</p> <p style="padding-left: 20px;">(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><i>deal</i>, with an access application, includes deal with an application for internal review in relation to the access 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 80(2) • giving notice under section 83(3) <p><i>healthcare decision</i> see section 30.</p>	<p><u>Initial application observations:</u></p> <p>This direction does not give a person the power to deal with a Right to Information 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