

Assistant Minister for Education

General Direction of Assistant Minister

Right to Information Act 2009

(Version 3 – June 2020)

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, Brittany Lauga MP, Assistant Minister for Education, 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***, 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 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***.



Brittany Lauga MP
ASSISTANT MINISTER FOR EDUCATION

DATED AT BRISBANE THIS 18 day of June, 2020.

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

Schedule 1 – Table of Directions of Assistant 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 – Disclosure by application under this Act			
Part 3 – Dealing with application and Part 8 Internal review			
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>This direction extends to dealing with applications that:</p> <ul style="list-style-type: none"> • seek access to documents relating to the Assistant Minister’s Education portfolio obligations; and • seek access 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 • 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 Assistant Minister’). <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 <p><u>Internal review observations:</u></p> <p>The internal review application must not be decided by:</p> <p>the person who made the reviewable decision; or</p> <p>a person who is less senior than that person.</p>	<ul style="list-style-type: none"> • Policy Officer, Legal Services • Senior Policy Officer, Legal Services • Principal 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