

**Department of Education**

**Legislative Delegations**

**Delegation of  
Director-General's Powers**

**under**

***Information Privacy Act 2009***

(Version 5 – January 2021)

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

# INSTRUMENT OF DELEGATION

## *Information Privacy Act 2009*


I, Craig Allen, Acting Director-General of the Department of Education, under section 50(2) of the *Information Privacy Act 2009*, DELEGATE to the person who is from time to time the holder of the position specified in Column 4 of Schedule 1, those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the *Information Privacy 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 Delegation is comprised of this page, and Schedule 1 comprising 2 pages. No other material forms part of the Instrument.

This Instrument of Delegation repeals and replaces any other Instrument of Delegation 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.



**CRAIG ALLEN**  
**ACTING DIRECTOR-GENERAL**  
**DEPARTMENT OF EDUCATION**

DATED AT BRISBANE THIS 5<sup>th</sup> day of January, 2021.

**SCHEDULE 1 – Table of Delegated Powers of Director-General  
Information Privacy Act 2009**

SCHEDULE 1 – Table of Delegated Powers of Director-General Information Privacy Act 2009			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Chapter 3, Part 1 to 8 - Disclosure and amendment by application under this Act</b>			
s.50(2)	<p><b>Decision-maker for application to agency</b></p> <p>(1) An access or amendment application to an agency must be dealt with for the agency by the agency’s principal officer.</p> <p>(2) The agency’s principal officer may delegate the power to deal with the application to another officer of the agency.</p> <p>(3) Also, for an agency other than a local government, the agency’s principal officer may, with the agreement of another agency’s principal officer, delegate the power to deal with the application to the other agency’s principal officer.</p> <p>(4) The principal officer of the other agency may subdelegate a power delegated to him or her under subsection (3).</p> <p><i>Note—</i> Under the <i>Acts Interpretation Act 1954</i>, section 27A(2), a delegation may be revoked, wholly or partly, by the delegator. Accordingly, a delegation may be revoked before a decision is made in a particular case and the delegator may make the decision.</p> <p>(5) However— (a) a principal officer may not, under subsection (2) or (4) delegate the power to deal with the application to the extent it involves— (i) making a healthcare decision; or (ii) appointing a healthcare professional under paragraph (b); but (b) the agency may appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to the application.</p> <p>(6) In this section— <b>healthcare decision</b> means a decision about any of the following matters— (a) whether disclosure to the applicant of relevant healthcare information about the</p>	<p><u>Initial application observations:</u></p> <p>This delegation 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 limitation:</u></p> <p>The following officer does not have delegated power to deal with an application for internal review:</p> <ul style="list-style-type: none"> <li>• Policy Officer, Legal Services.</li> </ul>	<ul style="list-style-type: none"> <li>• Policy Officer, Legal Services</li> <li>• Senior Policy Officer, Legal Services</li> <li>• Principal Information Officer, Legal Services</li> <li>• Information Officer, Legal Services</li> <li>• Legal Officer, Legal Services</li> <li>• Lawyer, Legal Services</li> <li>• Senior Lawyer, Legal Services</li> <li>• Principal Lawyer, Legal Services</li> <li>• Manager, Information Release, Legal Services</li> <li>• Manager, Legal Services</li> <li>• Director, Legal Services</li> <li>• Executive Director, Legal Services</li> </ul>

**SCHEDULE 1 – Table of Delegated Powers of Director-General  
Information Privacy Act 2009**

Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>applicant might be prejudicial to the physical or mental health or wellbeing of the applicant under the Right to Information Act, section 51, as applied under this Act;</p> <p>(b) whether to refuse access under the Right to Information Act, section 47(3)(d), as applied under this Act;</p> <p>(c) whether to give access despite being able to refuse access under the Right to Information Act, section 47(3)(d), as applied under this Act;</p> <p>(d) whether to give a direction under section 92(2);</p> <p>(e) whether to approve a healthcare professional under section 92(2).</p> <p><i>power to deal</i>, with an access or amendment application, includes power to 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>		