

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991

29 NOVEMBER 2023

Delegation Sources

- Freedom of Information Act 1991

Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Kelly Westell
SGO	Senior Governance Officer	Jenny Hillam

Instrument of Delegation under the Freedom of Information Act 1991

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(1a)	Publish an up-to-date information statement containing the information listed in section 9(2) in the manner prescribed by the regulations	CEO, SGO		agency
section 10(1)	Cause copies of the most recent information statement and each policy document to be available for inspection and purchase by members of the public	CEO, SGO		agency
section 15	Take reasonably practicable steps to assist the applicant to provide information to enable the document to which the application related be identified	CEO, SGO		agency
section 16(1)	Transfer an application for access to a document to another agency	CEO, SGO		agency
section 16(3)	Notify the applicant of the transfer of the application for access to a document to another agency	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 17(1)	Request the applicant to pay a reasonable amount by way of advance deposit if the cost of dealing with an application is likely to exceed the application fee	CEO, SGO		agency
section 17(2)	Request the applicant to pay a reasonable amount by way of further advance deposit if the cost of dealing with an application is likely to exceed the application fee and advance deposit already paid	CEO, SGO		agency
section 18(1)	Refuse to deal with an application if the work involved in dealing with the application would substantially and unreasonably divert the council's resources from their use by the council in exercise of its functions.	CEO, SGO		agency
section 18(2)	Assist an applicant to amend the application so that the work involved in dealing with the application would not substantially and unreasonably divert the council's resources from their use by the council in exercise of its functions.	CEO, SGO		agency
section 18(2a)	Refuse to deal with an application if the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(3)	Refuse to deal with an application if the council has requested payment of an advance deposit and payment of the deposit has not been made within the period specified in the request	CEO, SGO		agency
section 18(4)	Refund any amount of advance deposit which exceeds the council's costs of dealing with the application, if the council refuses to deal with the application	CEO, SGO		agency
section 18(5)	Provide notice to the applicant that the council is refusing to deal with the application	CEO, SGO		agency
section 19(1)	Determine: (a) whether access to a document is to be given, deferred or refused; (b) any charge payable in respect of giving access; and (c) any charge payable for dealing with the application	CEO, SGO		agency
section 20(1)	Refuse access to a document	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 21(1)	Defer access to a document	CEO, SGO		agency
section 22(1)	Determine the form of access to a document	CEO, SGO		agency
section 22(2)	Determine to provide access to a document in a form other than that requested by the applicant	CEO, SGO		agency
section 22(4)	Agreeing with an applicant the form of access to a document	CEO, SGO		agency
section 22(5)	Refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid	CEO, SGO		agency
section 23(1)	Notify an applicant to the agency's determination or, if relevant, that the agency does not hold the document	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 25(2)	Obtain the views of the government of the Commonwealth or of another State or a council (including a council constituted under the law of another State) as to whether a document is an exempt document	CEO, SGO		agency
section 25(2)	Provide view as to whether a document is an exempt document	CEO, SGO		council
section 25(3)	Notify the relevant government or council (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	CEO, SGO		agency
section 25(3)(d)	Apply for a review of a decision to provide access to a document under section 25(3)	CEO, SGO		council
section 26(2)	Notify a person that access to a document containing information concerning his or her personal affairs is being sought under the Freedom of Information	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	Act and seek that person's views on whether the document is an exempt document			
section 26(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	CEO, SGO		agency
section 26(4)(c)	Form the opinion that disclosure of information may have an adverse effect on the physical or mental health, or emotional state, of the applicant	CEO, SGO		agency
section 27(2)	Notify a person that access to a document concerning trade secrets, of a commercial value or concerning the business, professional, commercial or financial affairs of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 27(3)	<p>Notify the relevant person:</p> <p>(a) that the agency has determined to provide access to the document;</p> <p>(b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and</p> <p>(c) the procedures to be followed to exercise those rights of review</p>	CEO, SGO		agency
section 28(2)	<p>Notify a person that access to a document containing information concerning research that is being, or is intended to be, carried out by or on behalf of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document</p>	CEO, SGO		agency
section 28(3)	<p>Notify the relevant person:</p> <p>(a) that the agency has determined to provide access to the document;</p> <p>(b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and</p> <p>(c) the procedures to be followed to exercise those rights of review</p>	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 29(3)	Confirm, vary or reverse a determination under Part 3 following an application for an internal review	CEO, SGO		agency
section 29(4)	Refund any application fee paid in respect of the internal review if the agency varies or reverses a determination so that access to a document is given	CEO, SGO		agency
section 33	Take reasonably practicable steps to assist an applicant to provide information to enable the identification of an agency's document to which access has been given	CEO, SGO		agency
section 34(a)	Amend records in accordance with an application under section 30	CEO, SGO		agency
section 34(a)	Refuse to amend records in accordance with an application under section 30	CEO, SGO		agency
section 35	Refuse an application to amend records	CEO, SGO		agency

Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 36(1)	Notify applicant of determination regarding an application to amend records or that the agency does not hold the record	CEO, SGO		agency
section 37(2)	Add to the agency's record a notation specifying that the applicant claims that the record is incomplete, incorrect, out-of-date or misleading and including any information which the applicant claims is required to bring the record up-to-date	CEO, SGO		agency
section 37(2)	Notify the applicant of the nature of the notation	CEO, SGO		agency
section 37(3)(a)	Provide a statement to a person to whom the agency discloses information stating that the person to whom the information relates claims that the information is incomplete, incorrect, out-of-date or misleading and setting out the particulars of the notation added to its records in compliance with section 37(2)	CEO, SGO		agency
section 37(3)(b)	Provide a statement as to the reasons for the agency's refusal to amend the records in accordance with the notation	CEO, SGO		agency

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 38(3)	Confirm, vary or reverse a determination under Division 1, Part 4 following an internal review	CEO, SGO		agency
section 39(5)(c)(i)	Participate in a settlement between the participants to a review	CEO, SGO		agency
section 39(5)(c)(ii)	Request a suspension of the proceedings under section 39 to allow an opportunity for a settlement to be negotiated	CEO, SGO		agency
section 39(7)	Cooperate in a process proposed by a relevant review authority for the purposes of the conduct of an external review	CEO, SGO		agency
section 39(9)(a)	Advise a relevant review authority for the purposes of the conduct of an external review that a determination of the agency was made on grounds of the public interest	CEO, SGO		agency
section 40(1)	Apply to South Australian Civil and Administrative Tribunal for a review of a determination by the relevant review authority on an external review on a question of law	CEO, SGO		agency

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 40(7)	Advise South Australian Civil and Administrative Tribunal that a determination of the agency was made on grounds of the public interest	CEO, SGO		agency
section 41(1)	Apply to South Australian Civil and Administrative Tribunal to receive evidence and hear argument in the absence of the public, the other party to the review and the party's representative in respect of a restricted document	CEO, SGO		agency
section 53(2a)	Waive, reduce or remit a fee or charge	CEO, SGO		agency
section 53(3)	Review a fee or charge on application of the person required to pay the fee or charge and if appropriate reduce the fee or charge	CEO, SGO		agency
section 53(5)	Recover a fee or charge as a debt	CEO, SGO		agency
section 54AA(a)	Furnish information to the Minister as required by notice in the Gazette	CEO, SGO		agency

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 54AA(b)	Comply with requirement of the Minister regarding furnishing and keeping records	CEO, SGO		agency
clause 3(b), Schedule 1	Provide notice that information would be protected from disclosure under a corresponding law of the Commonwealth or another State	CEO, SGO		council
clause 13(2)(b)(iii), Schedule 1	Approve a term of a contract which contains matter the disclosure of which would constitute a breach of contract or found an action for breach of confidence	CEO, SGO		agency
clause 13(6), Schedule 1	Notify the Minister of the approval of a term of a contract in accordance with clause 13(2)(b)(iii)	CEO, SGO		agency