



Freedom of Information (Treasury) Authorisations 2023

I, Steven Kennedy, Secretary to the Department of the Treasury, make the following authorisations.

Dated 25 September 2023

Dr Steven Kennedy
Secretary
Department of the Treasury

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Part 1—Preliminary

1 Name

This instrument is the *Freedom of Information (Treasury) Authorisations 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Freedom of Information Act 1982*; and
- (b) the *Public Interest Disclosure Act 2013*; and
- (c) the *Safety, Rehabilitation and Compensation Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: Expressions have the same meaning in this instrument as in the *Freedom of Information Act 1982* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

In this instrument:

AOFM means the Australian Office of Financial Management.

CGC means the Commonwealth Grants Commission.

document of the AOFM has the meaning given by the *Treasury Portfolio Governance (Australian Office of Financial Management) Instrument 2023*.

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document of the CGC has the meaning given by the *Treasury Portfolio Governance (Commonwealth Grants Commission) Instrument 2023*.

document of the RAM has the meaning given by the *Treasury Portfolio Governance (Royal Australian Mint) Instrument 2023*.

document of the Treasury does not include any of the following:

- (a) a document of the AOFM;
- (b) a document of the CGC;
- (c) a document of the RAM.

internal review of an access decision means an internal review of a decision in relation to a request made to the AOFM, CGC, RAM or Treasury for access to one of the following:

- (a) a document of the AOFM;
- (b) a document of the CGC;
- (c) a document of the RAM;
- (d) a document of the Treasury.

RAM means the Royal Australian Mint.

Secretary means the Secretary to the Treasury.

the Act means the *Freedom of Information Act 1982*.

Treasury means the Department of the Treasury.

Part 2—Authorisations

6 Authorisations: requests for access to documents of the Treasury

- (1) Under subsection 23(1) of the Act, each person holding, occupying or performing the duties of an SES employee in the Treasury, is authorised to make decisions, on behalf of the Treasury, in respect of a request made to the Treasury for access to a document of the Treasury.
- (2) However, subsection (1) does not apply in relation to an internal review of an access decision.

7 Authorisations: internal review of an access decision

General authorisations

- (1) Under subsection 23(1) of the Act, each person holding, occupying or performing the duties of each of the following offices or positions in the Treasury, is authorised to make decisions, on behalf of the Treasury, in respect of an application for an internal review of an access decision:
 - (a) a Deputy Secretary.

Limited authorisations relating to the AOFM, CGC, RAM

- (2) Under subsection 23(1) of the Act, each person holding, occupying or performing the duties of each of the following offices or positions in the Treasury, is authorised to make decisions, on behalf of the Treasury, in respect of an application for an internal review of an access decision in relation to a request made to the AOFM, CGC, RAM:
 - (a) the Chief Counsel;
 - (b) the General Counsel;
 - (c) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: The limited authorisations provided in this subsection are not intended to limit the scope of the general authorisations provided under subsection (1).

- (3) Despite subsections (1) and (2), a person holding, occupying or performing the duties of an office or position mentioned in subsection (1) is not authorised to make a decision in relation to an internal review of an access decision where the decision being reviewed was made by the person.

8 Authorisation: allowing further time to make application for internal review of an access decision

Under subsection 54B(3) of the Act, each person holding, occupying or performing the duties of each of the following offices or positions in the Treasury, is authorised to allow a further period for the making of an application for an internal review of an access decision:

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- (a) a Deputy Secretary;
- (b) the Chief Counsel;
- (c) the General Counsel;
- (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

9 Authorisations: information publication scheme

Under subsection 10A(1) of the Act, each person holding, occupying or performing the duties of an SES employee in the Treasury, is authorised to exercise a function or power given to the Secretary under Part II of the Act (other than a function or power relating to the operations of the AOFM, CGC and RAM).

Part 3—Revocation of previous authorisations

10 Revocations

All previous authorisations made by the Secretary to the Treasury under the Act are revoked.

Schedule 1—Main amendments

Treasury Portfolio Governance (Australian Office of Financial Management) Instrument 2023

1 After paragraph 3(b)

Insert:

- (ba) *Freedom of Information Act 1982*; and

2 Section 4

Insert:

document of the AOFM means:

- (a) the document is in the possession of the AOFM, whether created in the AOFM or received in the AOFM; or
- (b) in order to comply with section 6C of the Act, the AOFM has taken contractual measures to ensure that it receives the document.

internal review of an access decision means an internal review of a decision in relation to a request made to the AOFM for access to a document of the AOFM.

3 After section 6

Insert:

6A Authorisations under the *Freedom of Information Act 1982*

Access to documents

- (1) Under subsection 23(1) of the *Freedom of Information Act 1982*, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is authorised to make decisions, on behalf of the Secretary to the Treasury, in respect of a request made to the AOFM for access to a document of the AOFM:
 - (a) the CEO;
 - (b) the Chief Risk and Assurance Officer;
 - (c) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.
- (2) However, subsection (1) does not apply in relation to an internal review of an access decision.

Note: Treasury undertakes internal reviews of access decisions of the AOFM—see *Freedom of Information (Treasury) Authorisations 2023*.

Information publication scheme

- (3) Under subsection 10A(1) of the *Freedom of Information Act 1982*, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is authorised to exercise a function or power given to the

Secretary to the Treasury under Part II of that Act, as that function or power relates to the operations of the AOFM:

- (a) the CEO;
- (b) the Chief Risk and Assurance Officer;
- (c) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Treasury Portfolio Governance (Commonwealth Grants Commission) Instrument 2023

4 After paragraph 3(b)

Insert:

- (ba) *Freedom of Information Act 1982*; and

5 Section 4

Insert:

document of the CGC means:

- (a) the document is in the possession of the CGC, whether created in the CGC or received in the CGC; or
- (b) in order to comply with section 6C of the Act, the CGC has taken contractual measures to ensure that it receives the document.

internal review of an access decision means an internal review of a decision in relation to a request made to the CGC for access to a document of the CGC.

6 After section 6

Insert:

6A Authorisations under the *Freedom of Information Act 1982*

Access to documents

- (1) Under subsection 23(1) of the *Freedom of Information Act 1982*, each person holding, occupying or performing the duties of each of the following offices or positions in the CGC, is authorised to make decisions, on behalf of the Secretary to the Treasury, in respect of a request made to the CGC for access to a document of the CGC:
 - (a) the Secretary;
 - (b) the Assistant Secretary, Branch A;
 - (c) the Director, Business Enabling Services;
 - (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.
- (2) However, subsection (1) does not apply in relation to an internal review of an access decision.

Note: Treasury undertakes internal reviews of access decisions of the CGC—see *Freedom of Information (Treasury) Authorisations 2023*.

Information publication scheme

- (3) Under subsection 10A(1) of the *Freedom of Information Act 1982*, each person holding, occupying or performing the duties of each of the following offices or positions in the CGC, is authorised to exercise a function or power given to the Secretary to the Treasury under Part II of that Act, as that function or power relates to the operations of the CGC:
- (a) the Secretary;
 - (b) the Assistant Secretary, Branch A;
 - (c) the Director, Business Enabling Services;
 - (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Treasury Portfolio Governance (Royal Australian Mint) Instrument 2023

7 After paragraph 3(b)

Insert:

- (ba) *Freedom of Information Act 1982*; and

8 Section 4

Insert:

document of the RAM means:

- (a) the document is in the possession of the RAM, whether created in the RAM or received in the RAM; or
- (b) in order to comply with section 6C of the Act, the RAM has taken contractual measures to ensure that it receives the document.

internal review of an access decision means an internal review of a decision in relation to a request made to the RAM for access to a document of the RAM.

9 After section 6

Insert:

6A Authorisations under the *Freedom of Information Act 1982*

Access to documents

- (1) Under subsection 23(1) of the *Freedom of Information Act 1982*, each person holding, occupying or performing the duties of each of the following offices or positions in the RAM, is authorised to make decisions, on behalf of the Secretary to the Treasury, in respect of a request made to the RAM for access to a document of the RAM:
- (a) the CEO;
 - (b) the Senior Legal Officer;

- (c) the Director, Human Resources;
- (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

- (2) However, subsection (1) does not apply in relation to an internal review of an access decision.

Note: Treasury undertakes internal reviews of access decisions of the RAM—see *Freedom of Information (Treasury) Authorisations 2023*.

Information publication scheme

- (3) Under subsection 10A(1) of the *Freedom of Information Act 1982*, each person holding, occupying or performing the duties of each of the following offices or positions in the RAM, is authorised to exercise a function or power given to the Secretary to the Treasury under Part II of that Act, as that function or power relates to the operations of the RAM:
- (a) the CEO;
 - (b) the Senior Legal Officer;
 - (c) the Director, Human Resources;
 - (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Schedule 2—Other amendments

Treasury Portfolio Governance (Australian Office of Financial Management) Instrument 2023

1 Paragraph 3(f)

Repeal the paragraph.

2 Section 10

Repeal the section.

Treasury Portfolio Governance (Commonwealth Grants Commission) Instrument 2023

3 Paragraph 3(f)

Repeal the paragraph.

4 Section 10

Repeal the section.

5 Paragraph 14(3)(b)

Omit “Corporate Services”, substitute “Business Enabling Services”.

Treasury Portfolio Governance (Royal Australian Mint) Instrument 2023

6 Paragraph 3(f)

Repeal the paragraph.

7 Section 10

Repeal the section.