

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003

PREAMBLE

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Titles of sub delegates, where sub delegation is applicable:

- MDE Manager Development & Environment
- MWI Manager Works & Infrastructure
- MGC Manager Governance & Community
- RMO Records Management Officer

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Last amended: 31 May 2007

INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
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POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Last amended: 31 May 2007

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s9(1a)	1. Publication of Information Concerning Councils 1.1 The duty pursuant to Section 9(1a) of the Freedom of Information Act 1991 (“the Act”) and in accordance with Section 9(2), (3) and (4) to cause, at intervals of not more than 12 months, an up to date information statement to be published in the manner prescribed by regulation.	18 September 2017	MGC, RMO		19 September 2017
s10(1)	2. Availability of Certain Documents 2.1 The duty pursuant to Section 10(1) of the Act to cause copies of the Council’s most recent information statement and each of its policy documents to be made available for inspection and purchase by members of the public.	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s10(2)	<p>2. Availability of Certain Documents</p> <p>2.2 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.</p>	18 September 2017	MGC, RMO		19 September 2017
s10(3)	<p>2. Availability of Certain Documents</p> <p>2.3 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:</p> <p>2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and</p> <p>2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment.</p>	18 September 2017	MGC, RMO		19 September 2017
s14(1)	<p>3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>3.1 The duty, pursuant to Section 14(1) of the Act to ensure that an accredited FOI officer deals with an application for access to Council's documents.</p>	18 September 2017	MGC		19 September 2017
s14(2)	<p>3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>3.2 The duty pursuant to Section 14(2) of the Act to deal with an application for access to the Council's documents as soon as practicable (and, in any case, within 30 days) after it is received.</p>	18 September 2017	MGC,, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s15	<p>4. Incomplete and Wrongly Directed Applications</p> <p>4.1 The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.</p>	18 September 2017	MGC, RMO		19 September 2017
s16(1)	<p>5. Transfer of Application</p> <p>5.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:</p> <p>5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or</p> <p>5.1.2 is held by the Council but is more closely related to the functions of the other agency.</p>	18 September 2017	MGC, RMO		19 September 2017
s16(2)	<p>5. Transfer of Application</p> <p>5.2 The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.</p>	18 September 2017	MGC, RMO		19 September 2017
s16(3)	<p>5. Transfer of Application</p> <p>5.3 The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.</p>	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s16(4)	5. Transfer of Application 5.4 The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3), the day on which, and the agency to which, the application was transferred.	18 September 2017	MGC, RMO		19 September 2017
s16(5)	5. Transfer of Application 5.5 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.	18 September 2017	MGC, RMO		19 September 2017
s17(1)	6. Council May Require Advance Deposits 6.1 The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	18 September 2017	MGC		19 September 2017
s17(2)	6. Council May Require Advance Deposits 6.2 The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	18 September 2017	MGC,		19 September 2017
17(3)	6. Council May Require Advance Deposits	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	6.3 The duty pursuant to Section 17(3) of the Act to ensure that the aggregate of the application fee and the advance deposit(s) do not exceed the Delegate's estimate of the cost of dealing with the application.				
s17(4)	6. Council May Require Advance Deposits 6.4 The duty pursuant to Section 17(4) of the Act, where a request for an advance deposit is made, to ensure that the request is accompanied by a notice that sets out the basis upon which the amount of the deposit has been calculated.	18 September 2017	MGC, RMO		19 September 2017
s18(1)	7. Council May Refuse to Deal with Certain Applications 7.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	18 September 2017	MGC,		19 September 2017
s18(2)	7. Council May Refuse to Deal with Certain Applications 7.2 The duty pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	18 September 2017	MGC, RMO		19 September 2017
s18(2a)	7. Council May Refuse to Deal with Certain Applications	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	7.3 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that 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.				
s18(3)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:</p> <p>7.4.1 the delegate has requested payment of an advance deposit in relation to the application; and</p> <p>7.4.2 payment of the deposit has not been made within the period specified in the request.</p>	18 September 2017	MGC, RMO		19 September 2017
s18(4)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.5 The duty pursuant to Section 18(4) of the Act where the Delegate refuses in accordance with Section 18(3) of the Act to continue to deal with an application to refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the Council in dealing with the application and the power to retain the remainder of those deposits.</p>	18 September 2017	MGC,		19 September 2017
s18(5)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.6 The duty pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant.</p>	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s18(6)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.7 The duty pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.</p>	18 September 2017	MGC,RMO		19 September 2017
s18(7)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.8 The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.</p>	18 September 2017	MGC, RMO		19 September 2017
s19(1)	<p>8. Determination of Applications</p> <p>8.1 The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:</p> <p>8.1.1 whether access to the document is to be given (either immediately or subject to deferral) or refused; and</p> <p>8.1.2 if access to the document is to be given, any charge payable in respect of the giving of access; and</p> <p>8.1.3 any charge payable for dealing with the application.</p>	18 September 2017	MGC,		19 September 2017
19(2a)	<p>8. Determination of Applications</p> <p>8.2 The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s20(1)	<p>9. Refusal of Access</p> <p>9.1 The power pursuant to Section 20(1) of the Act to refuse access to a document:</p> <p>9.1.1 if it is an exempt document;</p> <p>9.1.2 if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge;</p> <p>9.1.3 if it is a document that is usually and currently available for purchase;</p> <p>9.1.4 if it is a document that:</p> <p>9.1.4.1 was not created or collated by the Council itself; and</p> <p>9.1.4.2 genuinely forms part of library material held by the Council; or</p> <p>9.1.5 subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.</p>	18 September 2017	MGC,		19 September 2017
s20(4)	<p>9. Refusal of Access</p> <p>9.2 The duty pursuant to Section 20(4) not to refuse access to a document if:</p> <p>9.2.1 it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and</p> <p>9.2.2 it appears to the Delegate (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to such a copy</p> <p>to that limited extent.</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s21(1)	<p>10. Deferral of Access</p> <p>10.1 The power pursuant to Section 21(1) of the Act to defer access to a document:</p> <p>10.1.1 if it is a document that is required by law to be published but is yet to be published;</p> <p>10.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or</p> <p>10.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.</p>	18 September 2017	MGC		19 September 2017
s21(2)	<p>10. Deferral of Access</p> <p>10.2 The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.</p>	18 September 2017	MGC,		19 September 2017
s21(3)	<p>10. Deferral of Access</p> <p>10.3 The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.</p>	18 September 2017	MGC,		19 September 2017
s22(1)	<p>11. Forms of Access</p> <p>11.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by -</p> <p>(a) giving the person a reasonable opportunity to inspect the document; or</p>	18 September 2017	MGC,		19 September 2017

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	<p>(b) giving the person a copy of the document; or</p> <p>(c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or</p> <p>(d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or</p> <p>(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or</p> <p>(f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.</p>				
s22(2)	<p>11. Forms of Access</p> <p>11.2 The duty pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:</p> <p>11.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or</p> <p>11.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or</p> <p>11.2.3 would involve an infringement of copyright in matter contained in a document,</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
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	in which case access may be given in some other way.				
s22(2a)	<p>11. Forms of Access</p> <p>11.3 The duty pursuant to Section 22(2a) of the Act where a document is in the custody of State Records, to determine that the way in which access is given to the document will be made by or jointly with the Manager of State Records.</p>	18 September 2017	MGC,		19 September 2017
s22(3)	<p>11. Forms of Access</p> <p>11.4 The duty pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.</p>	18 September 2017	MGC,		19 September 2017
s22(4)	<p>11. Forms of Access</p> <p>11.5 The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.</p>	18 September 2017	MGC,		19 September 2017
s22(5)	<p>11. Forms of Access</p> <p>11.6 The power pursuant to Section 22(5) of the Act to 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.</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s23(1)	<p>12. Notices of Determination</p> <p>12.1 The duty pursuant to Section 23(1) of the Act to give written notice to an applicant of the determination of his/her application or, if the application relates to a document that is not held by the Council, of the fact that the Council does not hold such a document.</p>	18 September 2017	MGC, RMO		19 September 2017
s23(2)	<p>12. Notices of Determination</p> <p>12.2 The duty pursuant to Section 23(2) of the Act to specify in a notice given under Section 23(1) of the Act those matters set out at Section 23(2)(a) - (g) of the Act.</p>	18 September 2017	MGC, RMO		19 September 2017
s23(3)	<p>12. Notices of Determination</p> <p>12.3 The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form.</p>	18 September 2017	MGC, RMO		19 September 2017
s23(4)	<p>12. Notices of Determination</p> <p>12.4 The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.</p>	18 September 2017	MGC,		19 September 2017
s25(2)	13. Documents Affecting Inter-Governmental or Local Governmental Relations	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	13.1 The duty pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.				
s25(3)	<p>13. Documents Affecting Inter-Governmental or Local Governmental Relations</p> <p>13.2 The duty pursuant to Section 25(3) of the Act, if:</p> <p>13.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and</p> <p>13.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the Government or council concerned:</p> <p>13.2.3 that the Council has determined that access to the document is to be given; and</p> <p>13.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>13.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s26(2)	<p>14. Documents Affecting Personal Affairs</p> <p>14.1 The duty pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.</p>	18 September 2017	MGC,		19 September 2017
s26(3)	<p>14. Documents Affecting Personal Affairs</p> <p>14.2 The duty pursuant to Section 26(3) of the Act, if:</p> <p>14.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and</p> <p>14.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or</p> <p>14.2.3 after having taking reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,</p> <p>to forthwith give written notice to the person concerned:</p> <p>14.2.4 that the Delegate has determined that access to the document is to be given; and</p> <p>14.2.5 of the rights of review conferred by the Act in relation to the determination; and</p> <p>14.2.6 of the procedures to be followed for the purpose of exercising those rights; and</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.				
s26(4)	<p>14. Documents Affecting Personal Affairs</p> <p>14.3 The power pursuant to Section 26(4) of the Act where:-</p> <p>14.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and</p> <p>14.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>14.3.3 the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and</p> <p>14.3.4 the Delegate decides that access to the document is to be given, to give access to the document to a registered medical practitioner nominated by the applicant.</p>	18 September 2017	MGC,		19 September 2017
s27(2)	<p>15. Documents Affecting Business Affairs</p> <p>15.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:</p> <p>15.1.1 information concerning the trade secrets of any person; or</p> <p>15.1.2 information (other than trade secrets) that has a commercial value to any person; or</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	<p>15.1.3 any other information concerning the business, professional, commercial or financial affairs of any person;</p> <p>except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.</p>				
s27(3)	<p>15. Documents Affecting Business Affairs</p> <p>15.2 The duty pursuant to Section 27(3) of the Act, if:</p> <p>15.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and</p> <p>15.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the person concerned:</p> <p>15.2.3 that the Council has determined that access to the document is to be given; and</p> <p>15.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>15.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s28(2)	<p>16. Documents Affecting the Conduct of Research</p> <p>16.1 The duty pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.</p>	18 September 2017	MGC,		19 September 2017
s28(3)	<p>16. Documents Affecting the Conduct of Research</p> <p>16.2 The duty pursuant to Section 28(3) of the Act, if:</p> <p>16.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and</p> <p>16.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the person concerned:</p> <p>16.2.3 that the Council has determined that access to the document is to be given; and</p> <p>16.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>16.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s29(3)	<p>17. Internal Review</p> <p>17.1 The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.</p>	18 September 2017	Not Delegated - Remains with CEO		19 September 2017
29(4)	<p>17. Internal Review</p> <p>17.2 The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral.</p>	18 September 2017	MGC,		19 September 2017
s32(1)	<p>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>18.1 The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records.</p>	18 September 2017	MGC,		19 September 2017
s32(2)	<p>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>18.2 The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received.</p>	18 September 2017	MGC, RMO		19 September 2017
s33	<p>19. Incomplete Applications for Amendment of Records</p> <p>19.1 The duty pursuant to Section 33 of the Act not to refuse to accept an application merely because the application does not contain sufficient information to enable the Council's document to which the applicant has been given access to be identified</p>	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	without first taking such steps as are reasonably practicable to assist the applicant to provide such information.				
s34	<p>20. Determination of Applications</p> <p>20.1 The duty pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.</p>	18 September 2017	MGC,		19 September 2017
s35	<p>21. Refusal to Amend Records</p> <p>21.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:</p> <p>(a) if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or</p> <p>(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or</p> <p>(c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.</p>	18 September 2017	MGC,		19 September 2017
s36(1)	<p>22. Notices of Determination</p> <p>22.1 The duty pursuant to Section 36(1) of the Act to give written notice to an applicant of the Council's determination of his/her application or, if the application relates to records that are not held by the Council, of the fact that the Council does not hold such records.</p>	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s36(2)	<p>22. Notices of Determination</p> <p>22.2 The duty pursuant to Section 36(2) of the Act when giving a written notice in accordance with Section 36(1) to specify -</p> <p>22.2.1 the day on which the determination was made; and</p> <p>22.2.2 if the determination is to the effect that amendment of the Council's records is refused -</p> <p>(i) the name and designation of the officer by whom the determination was made; and</p> <p>(ii) the reasons for that refusal; and</p> <p>(iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and</p> <p>(iv) the rights of review conferred by the Act in relation to the determination; and</p> <p>(v) the procedures to be followed for the purpose of exercising those rights.</p>	18 September 2017	MGC,		19 September 2017
s36(3)	<p>22. Notices of Determination</p> <p>22.3 The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.</p>	18 September 2017	MGC, RMO		19 September 2017
s37(2)	<p>23. Notations to be Added to Records</p> <p>23.1 The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation -</p>	18 September 2017	MGC, RMO		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	<p>23.1.1 specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or misleading; and</p> <p>23.1.2 if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date,</p> <p>to cause written notice of the nature of the notation to be given to the applicant.</p>				
s37(3)	<p>23. Notations to be Added to Records</p> <p>23.2 The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 relates, to:</p> <p>23.2.1 ensure that, when the information is disclosed, a statement is given to that person:</p> <p>23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and</p> <p>23.2.1.2 setting out particulars of the notation added to its records under Section 37; and</p> <p>the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.</p>	18 September 2017	MGC, RMO		19 September 2017
s38(3)	24. Internal Review	18 September 2017	Not Delegated -		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	24.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.		Remains with CEO		
s39(5)(b)(i)	25. Review by Ombudsman or Police Ombudsman 25.1 The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.	18 September 2017	MGC, RMO		19 September 2017
s39(5)(b)(ii)	25. Review by Ombudsman or Police Ombudsman 25.2 The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.	18 September 2017	MGC, RMO		19 September 2017
s39(5)(c)(i)	25. Review by Ombudsman or Police Ombudsman 25.3 The power: 25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and 25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.	18 September 2017	MGC,		19 September 2017
s39(7)	25. Review by Ombudsman or Police Ombudsman 25.4 The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.				
s40(1)	26. Reviews by SACAT 26.1 The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law.	18 September 2017	Not Delegated - Remains with CEO		19 September 2017
s41(1)	27. Consideration of Restricted Documents 27.1 The power pursuant to Section 41(1) of the Act to make application to SACAT to have SACAT receive evidence and hear argument in the absence of the public, the other party to the review and, the other party's representative.	18 September 2017	Not Delegated - Remains with CEO		19 September 2017
-	28. Deliberately left blank 28.1 Deliberately left blank	18 September 2017	Not Delegated - Remains with CEO		19 September 2017
s53(2a)	29. Fees & Charges 29.1 The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.	18 September 2017	MGC,		19 September 2017
s53(3)	29. Fees & Charges	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
	29.2 The duty pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.				
s53(5)	29. Fees & Charges 29.3 The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	18 September 2017	MGC,		19 September 2017
s54AA	30. Provision of Information to Minister 30.1 The duty pursuant to Section 54AA of the Act- 30.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette - 30.1.1.1 for the purpose of monitoring compliance with the Act; and 30.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and 30.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.	18 September 2017	MGC, RMO		19 September 2017
13(2)(b)(iii) of Schedule 1	31. Documents Containing Confidential Material 31.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	18 September 2017	MGC,		19 September 2017

Freedom of Information Act 1991					
Provision	Item Delegated	Date of Delegation to CEO	Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
clause 13(6) of Schedule 1	<p>31. Documents Containing Confidential Material</p> <p>31.2 The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act.</p>	18 September 2017	MGC,		19 September 2017
r5	<p>32. Fees & Charges</p> <p>32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that:</p> <p>(a) he or she is a concession cardholder; or</p> <p>(b) payment of the fee would cause financial hardship to the person.</p>	18 September 2017	MGC, RMO		19 September 2017
r6	<p>32. Fees & Charges</p> <p>32.2 The duty pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.</p>	18 September 2017	MGC, RMO		19 September 2017

Head Delegation reviewed and changes adopted by Council on 18 September 2017