



Instrument of Authorisation (GIPA Legislation) 2021

GIPA LEGISLATION AUTHORISATIONS 2021

June 2021

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I, Stephen Griffin, Chief Executive Officer of the Greyhound Welfare and Integrity Commission and responsible for the day to day management of the affairs of the Commission under section 7 of the *Greyhound Racing Act 2017*, make the following Instrument of Authorisation under the *Government Information (Public Access) Act 2009* ('GIPA Act') in relation to functions conferred or imposed on me under the GIPA Act.

Dated this 21st day of June 2021



STEVE GRIFFIN
Chief Executive Officer

Explanatory note

The object of this Instrument is to authorise as agent functions conferred or imposed on the Chief Executive Officer of the Greyhound Welfare and Integrity Commission as the 'principal officer' as defined in Schedule 4 of the *Government Information (Public Access) Act 2009* being performed by staff of the Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service.

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of powers and functions under the *Government Information (Public Access) Act 2009*

1 Name

This Instrument is the **Instrument of Authorisation (GIPA Legislation) 2021**

2 Commencement

This Instrument commences on the day on which it is signed and continues in force until revoked.

3 Interpretation

(1) In this Instrument:

Commission means the Greyhound Welfare and Integrity Commission constituted under section 4 of the *Greyhound Racing Act 2017*

function includes a power, authority or duty, and **exercise** a function includes perform a duty.

role includes office.

- (2) Unless otherwise defined in this Instrument, words and expressions that are defined in the relevant Act or Regulation have the same meaning in this Instrument.
- (3) Unless otherwise specified, references to a role or role title in this Instrument are references to a role or role title within the Commission.
- (4) The summary of a function described in Column 2 of Schedule 1 of this Instrument is only for general explanation and does not limit the authorisation of functions under the provision identified in Column 1 of Schedule 1 of this Instrument.

4 Authorisation of functions

- (1) The functions conferred or imposed on the Chief Executive Officer of the Commission under each provision in Column 1 of Schedule 1 of this Instrument are authorised to be exercised by any person assigned to the role having the title specified in Column 3 of Schedule 1 of this Instrument.
- (2) The person assigned to the role having the title specified in Column 3 of Schedule 1 of this Instrument includes any person who is for the time being acting in that role or performing the duties and responsibilities of that role.

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5 Revocation

All authorisations previously made under the *Government Information (Public Access) Act 2009* in respect of the Commission, including the authorisations made on 16 June 2020 and 4 March 2021, are revoked.

6 Notes

1. The scope of the power authorised is limited to the scope of the Chief Executive Officer's power to act.
2. All authorisations must be exercised in accordance with applicable legislation and Government policies and procedures.

Schedule 1 – Powers or functions conferred or imposed on the Chief Executive Officer of the Greyhound Welfare and Integrity Commission by the *Government Information (Public Access) Act 2009* authorised to be undertaken by Staff allocated to roles in Better Regulation Division’s Privacy & Right to Information Team in the Department of Customer Service

Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
6(1)	Determine the government information that is <i>open access information</i> as listed in Part 3 of the Act which is to be publicly available	Not delegated
6(1)	Determine the government information that is <i>open access information</i> as listed in Part 3 of the Act which is not to be publicly available because of an overriding public interest against disclosure of the information	Not delegated
7(1)	Determine the government information held by the Commission that is to be publicly available	Not delegated
7(1)	Determine the government information held by the Commission that is not to be publicly available because of an overriding public interest against disclosure of the information	Not delegated
8(1)	Authorise the release of government information held by the Commission to a person in response to an informal request by the person (that is, a request that is not an access application) where there is no overriding public interest against disclosure of the information	Better Regulation Division’s Privacy & Right to Information Team in the Department of Customer Service
8(1)	Determine that the release of government information held by the Commission to a person in response to an informal request by the person (that is, a request that is not an access application) is not to occur because of an overriding public interest against disclosure of the information	Better Regulation Division’s Privacy & Right to Information Team in the Department of Customer Service
9	<p>Make a reviewable decision in connection with an access application for government information held by the Commission</p> <p>Under section 80 of the <i>Government Information (Public Access) Act 2009</i>, the following decisions of an agency in respect of an access application are reviewable decisions:</p> <ul style="list-style-type: none"> (a) a decision that an application is not a valid access application (b) a decision to transfer an access application to another agency, as an agency-initiated transfer, (c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made), (d) a decision to provide access or to refuse to provide access to information in response to an access application, (e) a decision that government information is not held by the agency, (f) a decision that information applied for is already available to the applicant, (g) a decision to refuse to confirm or deny that information is held by the agency, (h) a decision to defer the provision of access to information in response to an access application, (i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant), 	Better Regulation Division’s Privacy & Right to Information Team in the Department of Customer Service

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Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
9 (cont.)	(j) a decision to impose a processing charge or to require an advance deposit, (k) a decision to refuse a reduction in a processing charge, (l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment, (m) a decision to include information in a disclosure log despite an objection by an authorised objector (or a decision that an authorised objector was not entitled to object).	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
16(1)	Provide advice and assistance to a person who requests or proposes to request access to government information, for the purpose of assisting the person to access, or seek access to, information that is or may be made publicly available	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
20(1)	Approve the Commission's agency information guide for publication on the Commission's website	Not delegated
22(1)	Notify the Information Commissioner before adopting or amending an agency information guide	Not delegated
25	Keep a record (<i>disclosure log</i>) that records information about access applications made to the Commission where the Commission decides to provide access (to some or all of the information applied for) if the information is information that the agency considers may be of interest to other members of the public	Director, Compliance & Legal Services Senior Legal Officer Legal Officer
27(1)	Keep a register of government contracts (<i>government contracts register</i>) that records information about each government contract to which the Commission is a party that has (or is likely to have) a value of \$150,000 (including GST) or more (<i>class 1 contracts</i>)	Director, Compliance & Legal Services Senior Legal Officer Legal Officer Senior Accountant
32(2)	Determine, where the Commission does not include a copy of a contract in the register, or includes only some of the provisions of a contract in the register, the terms of the following for inclusion in the register— (a) the reasons why the contract or those provisions have not been included in the register, and (b) a statement as to whether it is intended that the contract or those provisions will be included in the register at a later date and, if so, when it is likely that they will be included, and (c) if some but not all of the provisions of the contract have been included in the register, a general description of the types of provisions that have not been included	Director, Compliance & Legal Services Senior Legal Officer
36(1)	Obtain, where a person other than an officer of the Commission (including, for example, a party to a government contract) disagrees with the way in which the Commission has interpreted its obligations under Division 5, the opinion of the Chairperson of the NSW Procurement Board in relation to the matter	Not delegated
41(2)	Approve additional facilities for the making of an access application or the payment of an application fee	Not delegated
44(1)	Transfer an access application for government information to another agency either by agency-initiated transfer or by applicant-initiated transfer	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service

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Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
49(2)	Consent to an applicant's request to amend an access application where the amendment is other than to reduce the scope of the information applied for	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
49(3)	Give notice to an applicant confirming the amendment of an access application and the date on which it was amended if the amendment requires the consent of the Commission or the amendment was not made by the applicant in writing	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
49(4)	Determine to impose a processing charge where an amendment to reduce the scope of the information applied for and the charge relates to time spent before the amendment is made in dealing with any aspect of the access application that the amendment makes unnecessary	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
50(3)	Give notice to an applicant confirming the withdrawal of an access application and the date on which it was withdrawn if the withdrawal was not made by the applicant in writing	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
51(1)	Decide whether an application is a valid access application and notify the decision to the applicant by either— (a) acknowledging receipt of the application as a valid access application, or (b) notifying the applicant that the application is not a valid access application	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
51A(1)	Waive the payment of a required application fee if— (a) the payment of the fee was waived by the Commission before the application was made, or (b) the amount of the fee payable was reduced by the Commission before the application was made and the reduced fee accompanied the application	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
52(3)	Provide advice and assistance, so far as it would be reasonable to do so, to assist an applicant to provide such information as may be necessary to enable the applicant to make a valid access application	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
53(5)	Determine when the Commission is not required to undertake any search for information that would require an unreasonable and substantial diversion of the Commission's resources	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
54(1)	Consult with a person before providing access to information relating to the person in response to an access application if it appears that— (a) the information is of a kind that requires consultation under this section, and (b) the person may reasonably be expected to have concerns about the disclosure of the information, and (c) those concerns may reasonably be expected to be relevant to the question of whether there is a public interest consideration against disclosure of the information	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service

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Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
54(2A)	<p>If the Commission considers that information about a person consulted under section 54 is likely to be included in the agency's disclosure log in relation to the access application, give a written notice to the person containing the following statements—</p> <p>(a) that information concerning the application is likely to be included in the agency's disclosure log and that the person can object to this,</p> <p>(b) that there is a right of review under Part 5 of a decision by the agency to include information in its disclosure log despite the person's objection</p>	Not delegated
54(6)	<p>If consultation establishes that a person objects to the disclosure of information but the Commission decides to provide access to the information in response to the application, give the objector notice of the Commission's proposed decision to provide access to the information and notice of the objector's right to have that decision reviewed</p>	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
54A	<p>In response to an access application, consult with any other agency for the following purposes—</p> <p>(a) to determine whether there is an overriding public interest against disclosure of the information,</p> <p>(b) to identify a person that may be required to be consulted under section 54</p>	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
55(5)	<p>As a precondition to providing access to information to an applicant, require an applicant to provide evidence concerning any personal factors of the application that were relevant to a decision by the Commission that there was not an overriding public interest against disclosure of the information and, for that purpose, require the applicant to take reasonable steps to provide proof of his or her identity</p>	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
56(3)	<p>If an authorised objector has objected to the inclusion of information in the Commission's disclosure log, decide—</p> <p>(a) whether the authorised objector is entitled to object, and</p> <p>(b) if the Commission decides that the authorised objector is entitled to object, whether the objection outweighs the general public interest in including the information in the disclosure log</p>	Not delegated
56(4A)	<p>If a person referred to in section 56(1)(b) has objected to the inclusion of information in the Commission's disclosure log, as soon as is reasonably practicable after the decision concerned is made (and in any event within 5 working days after the decision is made), give the person a written notice that indicates—</p> <p>(a) the Commission's decision about whether the person was entitled to object, and</p> <p>(b) (if the Commission has decided that the person was entitled to object) the Commission's decision on whether to include the information in its disclosure log</p>	Not delegated

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Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
57(1)	Decide an access application and give the applicant notice of the Commission's decision within 20 working days (the <i>decision period</i>) after the Commission receives the application	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
57(4)	Determine if the decision period can be extended (and further extended) by agreement with the applicant	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
57(5)	As soon as practicable after the decision period is extended (and in any case within 5 working days after it is extended), give the applicant notice of any extension of the decision period (including any extension by agreement with the applicant), indicating the date on which the extended decision period will end	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
58(3)	If the Commission finds that information or additional information is held by the agency after deciding an access application, make a further decision that replaces or supplements the original decision	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
60(1)	Refuse to deal with an access application (in whole or in part) for any of the following reasons (and for no other reason)— (a) dealing with the application would require an unreasonable and substantial diversion of the agency's resources, (b) the agency has already decided a previous application for the information concerned (or information that is substantially the same as that information) made by the applicant and there are no reasonable grounds for believing that the agency would make a different decision on the application, (b1) the applicant has previously been provided with access to the information concerned under this Act or the Freedom of Information Act 1989, (c) the applicant has failed to pay an advance deposit that is payable in connection with the application, (d) the information is or has been the subject of a subpoena or other order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order, (e) the agency reasonably believes the applicant, or a person acting in concert with the applicant, is— (i) a party to current proceedings before a court, and (ii) able to apply to that court for the information	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
60(4)	Before refusing to deal with an access application because dealing with it would require an unreasonable and substantial diversion of the Commission's resources, give the applicant a reasonable opportunity to amend the application	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
64(1)	Determine whether to impose a charge (a <i>processing charge</i>) for dealing with an access application at a rate of \$30 per hour for each hour of processing time for the application	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
65(1)	Determine whether to grant an applicant a 50% reduction in a processing charge if satisfied that the applicant is suffering financial hardship	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service

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Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
66(1)	Determine whether to grant an applicant a 50% reduction in a processing charge if satisfied that the information applied for is of special benefit to the public generally	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
68(1)	Determine whether to, by notice to an applicant, require the applicant to make an advance payment of a processing charge (as an advance deposit)	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
68(4)	Extend the date by which an advance deposit must be paid and give the applicant notice of any extension (indicating the new date by which the advance deposit must be paid)	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
70(1)	Refuse to deal further with an access application if the applicant has failed to pay an advance deposit within the time required for payment (unless the applicant has applied for review under Part 5 of the decision to require the advance deposit within the time required for payment of the advance deposit)	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
70(2)	Give notice to an applicant of the Commission's decision to refuse to deal further with an application where the applicant has failed to pay an advance deposit within the time required for payment	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
74	Determine whether to delete information from a copy of a record to which access is to be provided in response to an access application (so as to provide access only to the other information that the record contains) either because the deleted information is not relevant to the information applied for or because (if the deleted information was applied for) the Commission has decided to refuse to provide access to that information	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
77(2)	Determine whether to defer providing access, in which case the access period starts from the end of the deferral	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
77(3)	Extend and further extend the access period in a particular case by notice to the applicant	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
83(2)	Agree to accept an application for internal review out of time	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
83(3)	Acknowledge receipt of an application for internal review by notice to the applicant for review as soon as practicable after the Commission receives the application and in any event within 5 working days after the application is received	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
86(1)	Make a decision on an internal review and give the applicant notice of the Commission's decision within 15 working days (the <i>review period</i>) after the Commission receives the application for internal review	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
86(3)	Before the review period ends, give the applicant notice of any extension of the review period and indicate the date on which the extended review period will end	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service

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Section of GIPA Act (Column 1)	Power or function (Column 2)	Office (Column 3)
93(2)	Reconsider, pursuant to a recommendation of the Information Commissioner, a decision and make a new decision, whether or not the decision has already been the subject of internal review by the Commission	Better Regulation Division's Privacy & Right to Information Team in the Department of Customer Service
125(1)	Within 4 months after the end of each reporting year, prepare an annual report on the Commission's obligations under this Act for submission to the Minister responsible for the Commission and provide a copy of the report to the Information Commissioner after the report has been tabled in each House of Parliament	Not delegated
127	Determine whether to waive, reduce or refund any fee or charge payable or paid under the Act in any case that the Commission thinks appropriate and having regard to clause 10 of the <i>Government Information (Public Access) Regulation 2018</i>	Chief Commissioner Commissioner