



**Australian Government**  
**Indigenous Business Australia**

## **Instrument of Authority to Inform the Minister and Finance Minister**

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In accordance with a resolution of the Board made on 15 February 2011, We, the Indigenous Business Australia Board, UNDER SEAL, hereby:

AUTHORISE the persons described in Schedule 1(**the Authorised Persons**) to this Instrument:

1. to respond, on behalf of the Board, to a request for information about Indigenous Business Australia's activities made by the Minister to the Indigenous Business Australia Board pursuant to section 154(2) of the *Aboriginal and Torres Strait Islander Act 2005* (the ATSI Act), and
2. to keep the Minister and Finance Minister informed of the operations of Indigenous Business Australia and its subsidiaries as required by sections 15 and 16 of the *Commonwealth Authorities and Companies Act 1997* (the CAC Act),

subject to the terms and conditions set out in the Schedule to this Instrument of Authority.

DATED: 29 March 2011

The common seal of Indigenous Business Australia is duly affixed to this Instrument of Authority



.....  
Dr Dawn Casey  
PSM FAHA  
Chair

.....  
Witness:  
**Kirsty Gowans**  
General Counsel  
Indigenous Business Australia

## Part 1 Preliminary

### 1 Name of Authority

This Instrument is the Instrument of Authority to Inform the Minister and Finance Minister.

### 2 Commencement

This Instrument of Authority commences on the date it is sealed.

### 3 Revocation of Previous Authority to Inform the Minister

The Instrument of Authority to Inform the Minister dated 14 August 2010 is hereby revoked and replaced by this Instrument.

### 4 Definitions

In this Instrument of Authority:

“Authorised Persons” means the persons from time to time holding or occupying the positions set out in Item 3 of Schedule 1 to this Instrument.

“ATSI Act” means the *Aboriginal and Torres Strait Islander Act 2005* (Cth).

“CAC Act” means the *Commonwealth Authorities and Companies Act 1997* (Cth).

“Board” means the Indigenous Business Australia Board referred to in section 155 of the Act.

“Finance Minister” means the Minister administering the *Commonwealth Authorities and Companies Act 1997*.

“IBA” means Indigenous Business Australia.

“Minister” means the Minister for Families, Housing, Community Services and Indigenous Affairs.

### 4 Purpose of Authority

The ATSI Act requires the Board to give the Minister information he or she asks for concerning Indigenous Business Australia’s activities; s154.

The CAC Act requires the directors of a Commonwealth Authority to notify the Minister of certain significant events and keep the Minister and Finance Minister informed of the operations of the Authority and its subsidiaries; ss15, 16.

The General Manager, staff and consultants of IBA are prohibited from disclosing information, or producing any document, concerning the affairs of another person to another person or a court; s 191.

To facilitate the timely provision of information to the Minister, and ensure that disclosures of information are made according to law, the Board has executed this Instrument of Authority to Inform the Minister on behalf of the Board and directors.

## **5 Authority**

The Authorised Persons are authorised:

- (a) To respond on behalf of the Board to a request for information made by the Minister to the Board under section 154(1) of the ATSI Act that would otherwise contravene s191 of the ATSI Act, subject to the following conditions:
  - i) The information requested concerns Indigenous Business Australia's activities;
  - ii) The information is required to be provided to the Minister prior to the next scheduled meeting of the Board; and
  - iii) The Minister has not written personally to the Chair or the Board.
- (b) Keep the Minister informed of the operations of Indigenous Business Australia and its subsidiaries on behalf of the Directors, as required by sections 16(1)(a) of the CAC Act.
- (c) Give the Minister such reports, documents and information in relation to the operations of Indigenous Business Australia on behalf of the Directors, pursuant to section 16(1)(b) of the CAC Act.
- (d) Notify the Minister of significant events as defined by section 15(1) of the CAC Act.

## Schedule 1 Authority to Inform the Minister and Finance Minister

	Item 1	Item 2	Item 3	Item 4
	Section of Act	Summary of function or power	Authorised Persons	Notes and Special Arrangements
1	Section 154(2) of the ATSI Act	To respond on behalf of the Board of Indigenous Business Australia to a request for information about Indigenous Business Australia's activities made by the Minister.	<p>Chief Executive Officer and General Manager</p> <p>Chairperson of the Board of Indigenous Business Australia.</p> <p>Acting Chairperson of the Board of Indigenous Business Australia (in the absence of the Chairperson of the Board of Indigenous Business Australia).</p>	<p>The Chief Executive Officer and General Manager must advise the Board as soon as practicable that the authority has been exercised and must provide to the Indigenous Business Australia Board:</p> <ol style="list-style-type: none"> <li>1. a copy of the letter from the Minister requesting the information, and</li> <li>2. a summary of the information that was provided to the Minister pursuant to this Instrument of Authority.</li> </ol>
	Section 15 and 16 of the CAC Act	To keep the Minister and Finance Minister informed of the operations of Indigenous Business Australia on behalf of the directors.	<p>Chief Executive Officer and General Manager</p> <p>Chairperson of the Board of Indigenous Business Australia.</p> <p>Acting Chairperson of the Board of Indigenous Business Australia (in the absence of the Chairperson of the Board of Indigenous Business Australia).</p>	<p>The Chief Executive Officer and General Manager must advise the Board as soon as practicable that the authority has been exercised and must provide to the Indigenous Business Australia Board:</p> <ol style="list-style-type: none"> <li>1. a copy of the letter from the relevant Minister requesting the information, and</li> <li>2. a summary of the information that was provided to the Minister pursuant to this Instrument of Authority.</li> </ol>