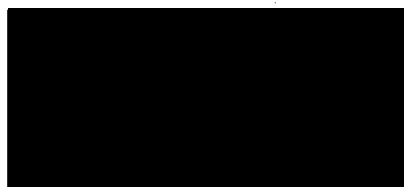




ACT
Government

Education and Training

File Ref: 2014/06354



Dear 


I refer to your request under the ACT *Freedom of Information Act 1989* (the Act), received by the Directorate on 5 June 2014, in which you are seeking access to:

all documents held by the Directorate in respect of matters relating to and advice provided to:

- *Mr Andrew Barr on his appointment to the position of Minister for Education and Training*
 - *Dr Chris Bourke on his appointment to the position of Minister for Education and Training and*
 - *Ms Joy Burch on her appointment to the position of Minister for Education and Training*
- on the matter of allegations of bullying and harassment by and of CIT staff.*

Your request

Your letter advises the request covers but is not limited to, records of correspondence, meetings, telephone conversations, documents on file, briefing papers and including any and all material provided by CIT personnel to the respective incoming Minister at the time of, prior to or at any time subsequent to their appointment.

The Directorate contacted  on 12 June 2014 to advise that the Canberra Institute of Technology may hold relevant documents.

The Directorate apologises for the delay in responding to your request.

My decision

I am authorised under section 22 of the Act to make a decision in respect of your request.

A schedule setting out the relevant documents located and my decisions in relation to their release is at Attachment A, and the released documents are at Attachment B.

You will note from the schedule that I have decided to provide access in full to four documents. I have also decided to exempt three documents from release in accordance with section 35 of the Act.

Details of this exemption provision, together with my reason for applying it, are set out below.

Section 35 – Executive documents

Section 35 states:

- (1) *A document is an exempt document if it is—*
- (a) *a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive; or*
 - (b) *an official record of the Executive; or*
 - (c) *a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
 - (d) *a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published.*

Note Access to the Cabinet notebook is excluded under s 11 (2).

- (2) *This section does not apply to a document (a **relevant document**)—*
- (a) *that is referred to in subsection (1) (a); or*
 - (b) *that is referred to in subsection (1) (b) or (c) and is a copy of, or of part of, or contains an extract from, a document that is referred to in subsection (1) (a);*
- to the extent that the relevant document contains purely factual material unless—*
- (c) *the disclosure under this Act of that document would involve the disclosure of any deliberation or decision of the Executive; and*
 - (d) *the fact of that deliberation or decision has not been officially published.*
- (3) *A reference in this section to the Executive includes a reference to a committee of the Executive.*

The material I have exempted under section 35 is contained in parts of copies of documents that have been submitted to the Executive (Cabinet) for its consideration or were brought into existence for the purpose of consideration by the Executive or where disclosure would reveal the deliberations of Cabinet. The material has been exempted to maintain the confidentiality necessary for the proper functioning of Cabinet.

Your rights of review

My decision to exempt some documents from release is subject to review under section 59 of the Act. It is also appealable if, in your opinion, you do not believe that all documents relevant to your request in the possession of the Directorate have been located.

An information sheet outlining the review and appeal process provided for in the Act is attached to this letter.


Online publication

Please be aware that under the ACT Government's Online FOI Publication policy, information released to you under this Freedom of Information request may be released on the internet.

Personal information or business affairs information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the internet, is available at http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Yours sincerely


Joanne Garrisson
Director
Governance and Assurance Branch
11 July 2014

Freedom of Information Act 1989 **Review and Appeal Processes**

Internal review

You may request a review of a decision made under the *Freedom of Information Act 1989* (ACT). Requests for review must be made in writing to the Education and Training Directorate. Requests can be sent by fax (02 6205 9453) or by mail to:

The Director-General
C/- Governance and Assurance Branch
ACT Education and Training Directorate
PO Box 158
CANBERRA CITY ACT 2601

You have **28 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

ACT Civil and Administrative Tribunal

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The Tribunal can be contacted by fax (02 6205 4855), email (tribunal@act.gov.au) or by mail to:

ACT Civil and Administrative Tribunal
DX5691
GPO Box 370
CANBERRA CITY ACT 2601

An appeal must be filed in the Tribunal within 28 days after the internal review decision is made although you may seek an extension of time in certain circumstances.

An application for a review may be made by writing to the Tribunal, or by completing the *Application for Review of a Decision* form (available on the Tribunal's website at www.acat.act.gov.au). There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

ACT Ombudsman

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.