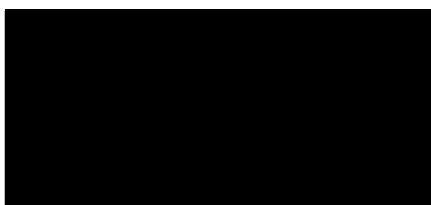


File ref: 2017/11230



Email: [REDACTED]

Dear [REDACTED]

***FOI – WorkSafe ACT Improvement Notice***

I refer to your request received by the Education Directorate on 29 September 2017 in which you are seeking access under the ACT *Freedom of Information Act 1989* (the FOI Act) to documents relating to:

*All documents, emails and communications held or created by the Education Directorate from the period 1 September to 29 September 2017 regarding an improvement notice issued by WorkSafe ACT to the Directorate around 6 September 2017, including documents, emails and communications relating to the withdrawal/cancellation of the notice around 13 September 2017.*

**My decision**

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

A schedule setting out the relevant documents and my decision in relation to their release is at Attachment A. The documents that I have decided to release are at Attachment B.

You will note from the schedule that I have decided:

- 10 of the documents are to be released in full.
- 78 of the documents are to be partially released with redactions applied to information due to provisions within section 41 ‘documents affecting personal privacy’ or that is outside of the scope of your FOI request.
- Three of the documents are exempt in accordance with section 42 ‘documents subject to legal professional privilege’.

## Section 41 – Documents affecting personal privacy

Section 41 states:

- (1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*

I have decided to partially release 78 documents under section 41 of the FOI Act. I have redacted information of a personal nature or that could enable the identity of an individual to be readily ascertained. I have formed the view that to release this information would be an unreasonable disclosure of personal information.

## Section 42 – Documents subject to legal professional privilege

Section 42 states:

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.*

Three documents were created for the purpose of obtaining or giving legal advice. I consider these documents are subject to legal professional privilege and, as such, are exempt from disclosure under section 42 of the FOI Act.

## Documents containing information that is outside the scope of the request

Some documents contain information that is outside of the scope of the FOI request. This information has been redacted and the documents are recorded in the schedule.

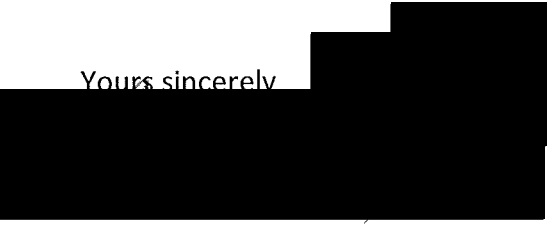
## **Your rights for review**

An information sheet is attached to this letter which sets out your rights for review of this decision.

## **ACT Government Online FOI Publication**

As part of the ACT Government's commitment to open government, all written documents made available to an applicant in response to an FOI request are made available for online access by the public, subject to exceptions for personal information, information relating to business affairs, and copyright material. In this case the documents will be released publicly.

Yours sincerely

A large black rectangular redaction box covers the signature area, starting below the 'Yours sincerely' text and extending to the right and down.

Robert Gotts  
Director  
Planning and Analytics

17 January 2018

## ***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 Directorate. Requests can be sent by mail to:

The Director-General  
C/- FOI Officer,  
Governance and Community Liaison Branch  
ACT Education Directorate  
PO Box 158  
CANBERRA CITY ACT 2601

Or email: [EDULegalLiaison@act.gov.au](mailto:EDULegalLiaison@act.gov.au)

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](mailto: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](http://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.