



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2024-302
Date of Application	19 September 2024
Date of Decision	25 October 2024
Processing time (in working days)	25
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	Documentation pertaining to number of Riskman or Safety Portal reports submitted by staff in Education Directorate.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

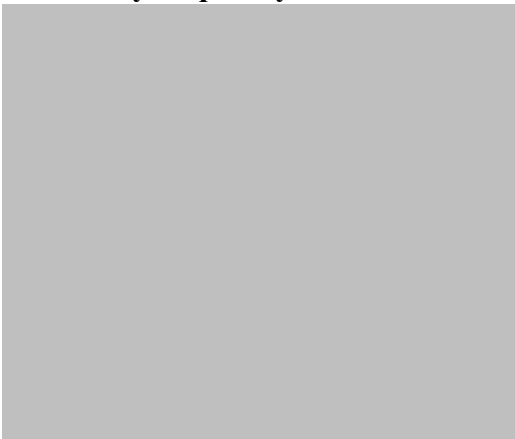
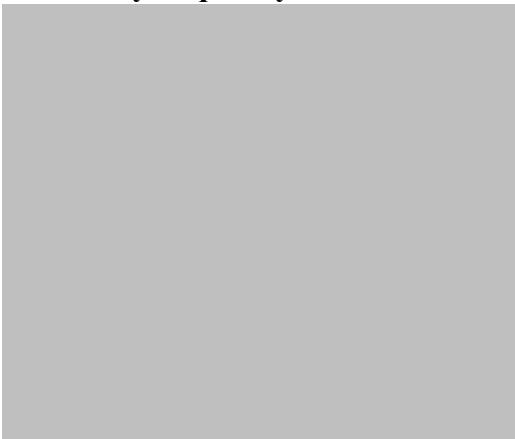
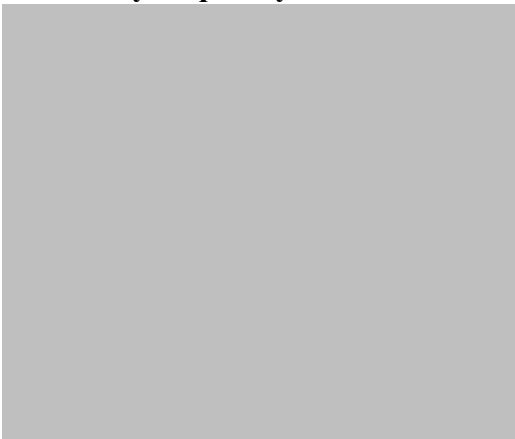
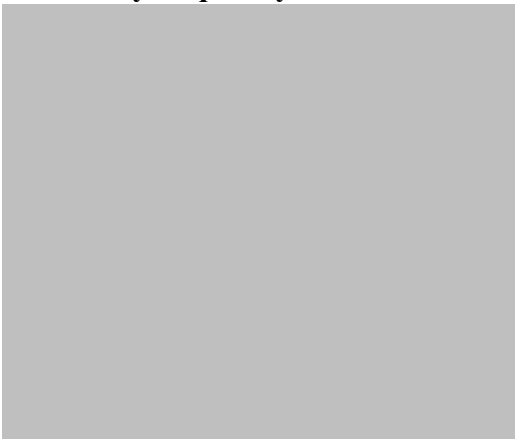
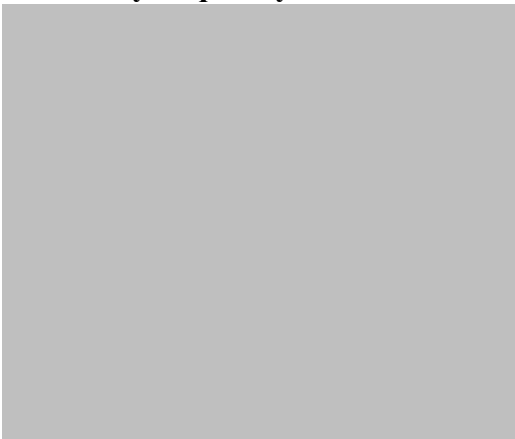
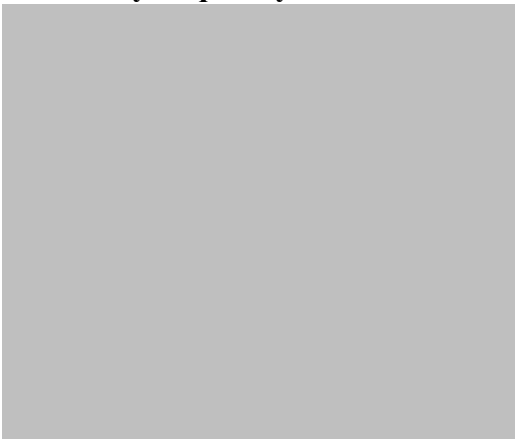
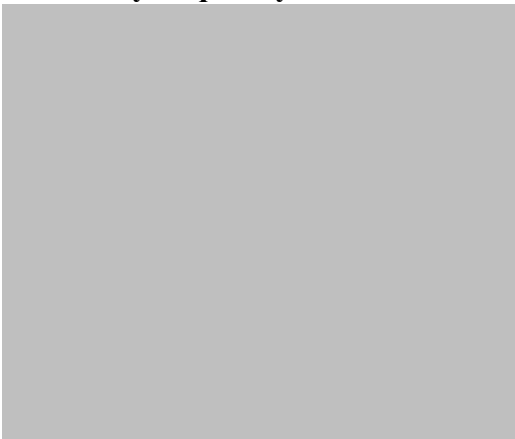
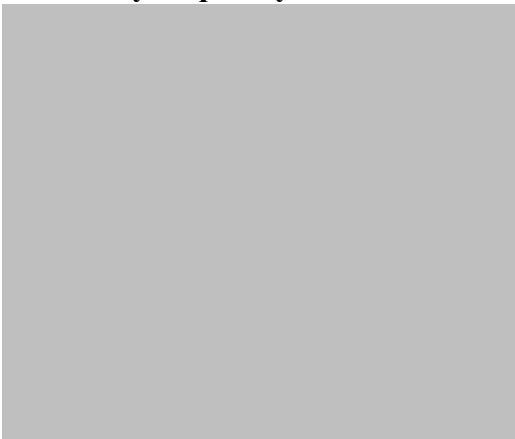
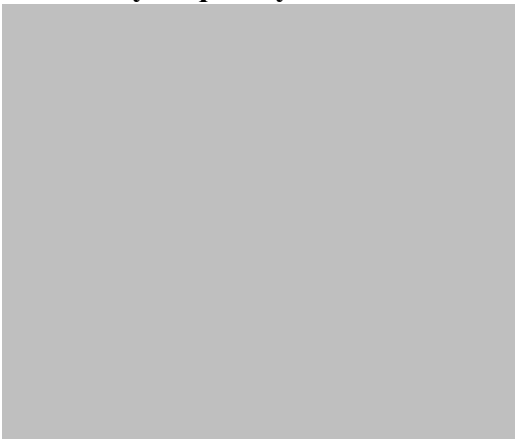
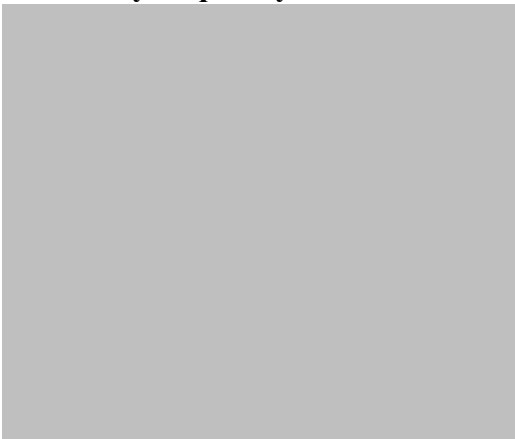
From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-302 - Freedom of Information request
Date: Thursday, 19 September 2024 4:59:06 PM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details



All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title: 
First Name: 
Last Name: 
Business/Organisation: 
Address: 
Suburb: 
Postcode: 
State/Territory: 
Phone/mobile: 
Email address: 

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Any documentation or records pertaining to, Numbers of Riskman's or Safety Portal reports submitted by staff in People and Performance, Educations Directorate in 2023 and to date 2024. - Number of Riskmans or Safety Portal reports submitted by employees of People and Conduct, Educations Directorate in 2023 and to date 2024 - ACT Education Directorate Policies, procedures and guidelines regarding making contact with staff while on personal leave. - Formal written complaints or concerns received by ACT Education regarding written correspondence and advice provided by  directly to clients. - ACT Education People and Performance work group Teams message history (2022, 2023, including social chat groups and chats between  - ACT Educations Psychological safety policies and procedures

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2024-302



FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 September 2024.

Specifically, you have sought access to the following information:

1. *Any documentation or records pertaining to, Numbers of Riskman's or Safety Portal reports submitted by staff in People and Performance, Educations Directorate in 2023 and to date 2024.*
2. *Number of Riskmans or Safety Portal reports submitted by employees of People and Conduct, Educations Directorate in 2023 and to date 2024.*
3. *ACT Education Directorate Policies, procedures and guidelines regarding making contact with staff while on personal leave.*
4. *Formal written complaints or concerns received by ACT Education regarding written correspondence and advice provided by [REDACTED] directly to clients.*
5. *ACT Education People and Performance work group Teams message history (2022, 2023, including social chat groups and chats between [REDACTED] - ACT Educations Psychological safety policies and procedures.*

As advised on 3 October 2024, points 3-5 were transferred to the Education Directorate for response.

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

Therefore, a decision is due by **1 November 2024**.

Decision on access

Searches of CMTEDD records have identified one document within the scope of your request.

I have decided to grant **full access** to the document.

Release of documents

The information being released to you is provided at **Attachment A**.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

Exemptions claimed

Schedule 1: Information taken to be contrary to the public interest.

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

- *No relevant sections identified.*

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Schedule 2: Factors to be considered when deciding the public interest.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Section 2.1)

- *Section 2.1(a)(xiii) - contribute to the administration of justice generally, including procedural fairness.*

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring non disclosure (Section 2.2)

I did not identify any factors favouring non disclosure.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the Information Access Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

25 October 2024

Cover Page

Overview

Request overview:

This Excel file contains the response to the Freedom of Information Request - CMTEDDFOI 2024-302.

Assumptions

- All RiskMan and Safety Portal reports are correctly lodged as at 25 September 2024.

Scope

- Includes workplace reports submitted in RiskMan and Safety Portal in 2023 to 25 September 2024 and where the People and Performance and People and Conduct business unit is responsible for the report.
- Only includes reports that have been submitted in RiskMan and reports that have been lodged in Safety Portal (reports sitting in lodgement stage are excluded).
- People and Conduct in Education is interpreted as HR Business Partners in the organisational structure in Safety Portal.

Contents

Worksheet/tab	Description
Response	Includes the response to the Freedom of Information Request - 2024-302.

Considerations

- Figures under 5 are masked to prevent the re-identification of individuals.

The number of RiskMan and Safety Portal reports in People and Performance Education directorate in 2023 to 19 September 2024 is **7**.

The number of RiskMan and Safety Portal reports in People and Conduct (HR business partners) Education directorate in 2023 to 19 September 2024 is **under 5**.