



File ref: 2017/02425

I refer to your request received by the Directorate on 14 February 2017 in which you are seeking access under the *ACT Freedom of Information Act 1989* (the FOI Act) to documents, reports and information provided by KPMG relating to a financial operation review in exchange for payment on 24 November 2016.

I wrote to you on 9 March 2017 notifying you of the fee associated with processing your request. In your response letter received on 14 March 2017 you indicated that you wished to reduce the scope of your request to the final report associated with the financial operation review.

I apologise for the delay due to administrative constraints, in finalising the processing of your request

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 document and my decision in relation to its release is at Attachment A.

You will see from the schedule that I have decided to exempt the document *ACT Education – Financial Review* in its entirety under provisions within section 36 of the FOI Act relating to internal working documents. Details of the exemption provision, together with my reasons for applying it are set out below.

Section 36 – Internal working Documents

Section 36 states:

(1) *Subject to this section, a document is an exempt document if its disclosure under this Act—*

(a) would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and

(b) would be contrary to the public interest.

The advice in the report is opinion. Unfortunately, some of the information provided is factually incorrect. Therefore some of the recommendations being based in part on information that is incorrect are misleading. Because elements of the advice are incorrect, I am of the view that it is not in the public interest to disclose the report.

I am satisfied that the information that relates to internal working documents is exempt under s 36 of the FOI Act.

Your rights for review

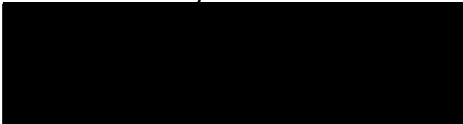
My decision not to release all the information relevant to your request is subject to review under section 59 of the FOI Act. It is also appealable if, in your opinion, you do not believe that all the documents relevant to your request in the possession of the Directorate have been located.

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

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. However in this instance, given that the release of a single email that will be redacted is of no material benefit to the public, this decision will not be released online.

Yours sincerely



Coralie McAlister
Director
Strategic Policy and Reform

27 June 2017

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

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.