



ACT
Government
Education

File Ref: [REDACTED]

[REDACTED]
[REDACTED]
Dear [REDACTED]

I refer to your request received by the Directorate on 17 November 2017 in which you are seeking access under the ACT *Freedom of Information Act 1989* (the FOI Act) to documents and information held by the Education Directorate relating to information provided by the Directorate to the Minister for Education and Early Childhood Development and the Director General of the Directorate. Your request advises that you are specifically seeking:

All reports, documents or information provided by the Directorate as briefing material in the Annual Reports hearings held on Tuesday the 14th of November 2017 for the Committee on Education, Employment and Training.

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

Please accept my apologies for the delay in responding to your request.

Decision on access

Searches were completed for relevant documents and 177 documents were identified that fall within the scope of your request.

I have included as Attachment A to this decision the schedule of relevant documents which provides a description of each document that falls within the scope of your request and the access decision for each of those documents. The documents are included as Attachment B.

You will note from the schedule that I have decided to:

- Release 78 documents in full;
- Partially release 21 documents with redactions applied under section 41 of the FOI Act;
- Exempt one document under section 35 of the Act; and
- Not release 77 documents as they are publicly available.

Details of the exemption provisions, together with my reasons for applying them, are set out below.

Reasons for decision

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

Section 11 Publicly available documents

Section 11 states:

- (1) A person is not entitled to obtain access under this part [Part 3] to*
 - (a) a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge; or*
 - (b) a document that is available for purchase by the public in accordance with arrangements made by an agency; or*
 - (c) library material maintained for reference purposes*

As documents such as responses to Questions on Notice are publicly available, these are not provided in this response. The schedule lists the 77 documents that this applies to.

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.*

I have exempted one document under this provision of the FOI Act as it is a document brought into existence for the purpose of consideration by the Executive.

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 partially released 21 documents under this provision of the FOI Act with redactions applied to information of a personal nature or information 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.

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.


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 will be published in the Directorate's disclosure log between three and 10 working days after a decision on access has been provided to you. Your personal information will not be published.

You may view the Directorate's disclosure log at https://www.education.act.gov.au/about_us/freedom_of_information/disclosure-log.

If you have any enquiries concerning the Directorate's processing of your request, or would like further information, please contact the Directorate's FOI Coordinator on 02 6205 0720 or email EDULegalLiaison@act.gov.au.

Yours sincerely


Paula Murray
Assistant Director, FOI and Open Access
Governance and Community Liaison

30 January 2019

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 fax (02 6205 9453) or by mail to:

The Director-General
C/- Governance and Community Liaison Branch
ACT Education 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.