



**ACT**  
Government

Education and Training

File Ref: 2013/22080



Dear 

I refer to your request under the *ACT Freedom of Information Act 1989* (the Act), received by the Directorate on 4 December 2013.

#### **Your request**

Your request initially sought access to all documents and any information held by the Directorate in relation to a proposed independent school to be located at Mount Rogers Community Centre. The Directorate wrote to you on 17 December 2013 asking you to consider varying your request to narrow its scope.

Thank you for your response of 18 December 2013. The Directorate understands you are seeking now access to any information relating to the selection of the Mount Rogers site for the proposed school.

#### **My decision**

I am authorised under section 22 of the Act to make a decision in respect of your request. I understand that you have been contacted by the Directorate regarding the delay in responding to your request. The Directorate apologises for the delay.

I can advise that sites for proposed new non-government schools are not selected by the Education and Training Directorate. The proprietors of a proposed new non-government school inform the Directorate of the location of the school in their application for provisional registration.

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 to some documents in full. I have also decided to exempt information from release in other

documents under sections 41 and 43 of the Act, and to delete information outside the scope of your request in three documents.

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

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).*

The information exempted under this section of the Act includes personal information contained in correspondence to the Minister for Education and Training and the Minister's responses, and the mobile telephone number of an ACT Government employee. I believe it would be an unreasonable disclosure of personal information to release this information.

Section 43 – Documents relating to business affairs

Section 43 states:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
- (a) trade secrets; or*
  - (b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
  - (c) information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
    - (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or*
    - (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the*

*Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

I believe the disclosure of some information contained in Document 4 would be an unreasonable disclosure of information relating to the proprietors of the school in respect of their lawful business, commercial or financial affairs.

Material outside the scope of your request

Material outside the scope of your request has been deleted in three documents. The deleted information in one document relates to accommodation matters for the proposed school at the Mount Rogers Community Centre and in two other documents, the deleted information relates to matters concerning two other non-government schools in relation to their applications for in-principle approval or provisional registration.

**Your rights of review**

My decision not to release all the documents to you in full 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.

Yours sincerely



Leanne Cover  
Deputy Director-General

17 January 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/- Information, Communications and Governance 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](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.