



**ACT**  
Government  
Education

File Ref: 2017/02340



Dear 

I refer to your request under the ACT *Freedom of Information Act 1989* (the FOI Act) received by the Directorate on 14 February 2017.

#### **Your request**

You are seeking access to various documents held by the Education Directorate in relation to the Final Report by Victoria University in exchange for payment on 22/09/2015.

#### **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 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 full access to two documents and exempt one document in its entirety under section 36 of the FOI Act. Two documents include information that is outside the scope of your request and have been excluded.

The Final Report for the *Review of Vocational Education and Training in ACT Public Schools* and the Directorate's Response are publicly available on the Directorate's website at: [http://www.education.act.gov.au/school\\_education/vet\\_for\\_secondary-students/review-of-vet-in-act-public-schools](http://www.education.act.gov.au/school_education/vet_for_secondary-students/review-of-vet-in-act-public-schools).

The contract between the Directorate and Victoria University is publicly available on the ACT Government Contracts Register at: [http://www.procurement.act.gov.au/contracts/contracts\\_register/contracts/contracts/education\\_and\\_training\\_directorate/po\\_and\\_miscvarious\\_dov/actgovrfq-1-291](http://www.procurement.act.gov.au/contracts/contracts_register/contracts/contracts/education_and_training_directorate/po_and_miscvarious_dov/actgovrfq-1-291).

Details of the exemption provision, together with my reason for applying it, is 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.*

One document has been fully exempted under this section of the FOI Act as it relates to the internal deliberations of officers and I consider it is not in the public interest to release the document.

#### Information outside the scope of your request

I have also decided to exclude two documents because the information is outside the scope of your request. The information withheld from release includes:

- information on matters involving internal processes where the public response is provided on the Notifiable Invoices Register.

#### **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 may be released on the internet. Personal information or business affairs information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the internet, is available at:

[http://www.cmd.act.gov.au/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online).

Yours sincerely



Mark Huxley  
Chief Information Officer  
Digital Strategy, Services and Transformation Branch

15 March 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 and Training 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](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.