



E: [REDACTED]

Dear [REDACTED]

RE: Decision regarding your Freedom of Information request – school size and capacity

I refer to your request received by the Education Directorate on 15 May 2017 in which you are seeking access under the ACT *Freedom of Information Act 1989* (the FOI Act), to documents regarding school size and capacity.

In a letter dated 11 August 2017 you were advised that the 2017 information being sought was not yet available and that your FOI request would be 'taken as withdrawn'.

On 16 August 2017 you amended your request.

On behalf of the Directorate I apologise for the time taken to process your request.

Your request

Your request is for documents outlining:

1. *the capacity of each government school in Canberra in 2017,*
2. *the utilisation rate of each government school as at the most recent date available,*
3. *how schools were identified for increased student numbers in 2017.*

My decision

I am authorised under section 22 of the FOI Act to make a decision on behalf of the Directorate in relation to your request.

One document has been identified as falling within the scope of your request. I have decided to provide partial access to this document with redactions made for out of scope information.

A schedule setting out the relevant information located and my decision in relation to its release is at Attachment A, and the released document is at Attachment B.

Information provided

The information provided regarding school capacity and utilisation is as at 17 August 2017. It was calculated using a methodology that captured learning and teaching spaces, including specialised spaces such as music and art rooms. The methodology is currently under review.

You should also note that data in the document covers Kindergarten to Year 12.

The document provided displays the data relevant to your request. As the source document is a spreadsheet, other columns contained in the spreadsheet that are not relevant to your request have been redacted.

No documents were located that were relevant to the third point of your request regarding how schools were identified for increased student numbers in 2017.

Your rights for review

My decision about the release of information in response 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. In this case the documents will be released publicly.

Yours sincerely



Tracy Stewart
Director
Legislation Review

9 February 2018

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.