



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-188

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	44
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
Sent: Thursday, 25 May 2023 10:01 PM
To: CMTEDD FOI
Subject: Request for all investigation training - access Canberra

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Learn why this is important<<http://www.act.gov.au/emailsecurity>>

Good morning foi team,

I would like to request under foi all investigation courses paid by access Canberra for investigators, current or between the period of jan 2023 and current date being 15th may 2023

- all invoices for training paid for investigation courses

- details of the course including the provider

Thanks

Sent from my iPhone



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD FOI 2023-188

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on **25 May 2023**. On 26 May 2023, you clarified the scope of your request and sought access to:

- *All investigation courses paid by Access Canberra for investigators between 1 January to 15 May 2023 (inclusive):*
 - i. *all invoices paid for training paid for investigation courses*
 - ii. *details of the course including the provider*

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days. Due to third party consultation process, an additional 15 working days were applied. Therefore, a decision and response are due on **31 July 2023**.

Decision on access

Searches were completed for relevant information and seven documents were identified that fall within scope of your request. I have decided to grant **partial access to five of** these documents as I consider the disclosure of some information contained in these documents is contrary to public interest. The remaining **two documents are exempt in** their entirety as I consider the information contained to be contrary to the public interest.

I have included as **Attachment A** to this decision the document schedule. This provides a description of the access decision for the documents. The documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act,
- the content of the documents that fall within the scope of your request,
- the views of any third parties, and
- the *Human Rights Act 2004*.

Exemption claimed

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act, and
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2.

The public interest information under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within this document is within the ‘public interest’.

Factors favouring disclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(i) promote open discussion of public affairs and enhance the government’s accountability.

(iii) inform the community of the government’s operation, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.

(iv) ensure effective oversight of expenditure and funds.

There are several factors favouring disclosure of the information requested. The disclosure of information concerning the conduct of investigations by regulatory bodies would reasonably be expected to promote open discussion and accountability and increase public knowledge and understanding of government processes. Conversely, the release of information about the training of public servants in the areas of compliance and investigation could reasonably be expected to inform the community about how a regulatory agency undertakes its functions. I accord these factors moderate weight.

I note that the information within scope of this request may also assist with the expenditure of public funds. However, as the information within scope does not request tender documentation and consists mostly of tax invoices, I have afforded this factor limited weight.

Factors favouring nondisclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

(xi) *prejudice trade secrets, business affairs or research of an agency or person.*

(xii) *prejudice an agency's ability to obtain confidential information.*

When considering the information and factors in favour of nondisclosure, I have considered the personal information, (that is not already in the public domain), and business information contained in the documents. I consider it unreasonable to release information that could identify the details of the person or persons that have been in contact or provided works for the ACT Government. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. There is no reason why there would be public interest in disclosing names of third parties who delivered training in investigations. Disclosure could open these individuals to prejudice despite their involvement with the ACT Government being business related. I am satisfied that this factor favouring nondisclosure should be afforded significant weight as it relates to the individuals' privacy, and they have provided their personal information for the primary purpose of supplying a service to the government.

I note that two of the documents within scope of your request were prepared and submitted in response to a tender for Access Canberra for delivery of the Certificate IV Government Investigations training program. These documents provide detailed information about commercial capabilities and specific details about teaching methodologies of a business engaged to perform services for Access Canberra. Businesses working with the ACT Government have the right to expect that their business affairs and trade secrets will not be prejudiced through providing services to a government agency. In *Re Mangan and the Treasury [2005] AATA 898*, the term 'business affairs' is referred to be 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Under this definition, I am also refusing access to banking and financial cost information. In assessing the public interest in disclosure of this information, I have assigned this factor a significant weight.

As businesses undertake work with the ACT Government, there is the expectation that the ACT Government will not release their details. It may be assumed that if this trust is broken, the ability of an agency to obtain confidential information from private sector suppliers of goods and services to the ACT Government could or would be prejudiced. However, the impact of releasing the fact that a business had undertaken work with the ACT Government is unlikely to have a damaging effect on the ACT Government or an individual entity. As such, I afford this factor limited weight.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information and business information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met.

Folios 6 and 7 of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act and are exempt from disclosure.

Charges

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is sent to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT:

ACT Civil and Administrative Tribunal
15 Constitution Avenue
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Stuart', written in a cursive style.

Katharine Stuart
Information Officer
Chief Minister, Treasury and Economic Development Directorate
28 July 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<p><i>...all investigation courses paid by Access Canberra for investigators, current or between the period of January 2023 and current date being 15th May 2023. Including:</i></p> <ul style="list-style-type: none"> <i>all invoices for training paid for investigation courses</i> <i>details of the course including the provider</i> 	<p>CMTEDDFOI 2023-188</p>

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1-5	1-5	Tax Invoices	February - March 2023	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi) Sch 2 s2.2 (a)(xii)	Yes
6	6-37	Certificate IV in Government Investigations	-	Exempt	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi) Sch 2 s2.2 (a)(xii)	No
7	38-74	Investigation Fundamentals	-	Exempt	Sch 2 s2.2 (a)(xi) Sch 2 s2.2 (a)(xii) Sch 2 s2.2 (a)(xii)	No
Total No of Docs						
7						

Wisdom Learning Pty Ltd

6/6 National Cct
BARTON ACT 2600

Tax Invoice

A.B.N. 90 100 891 307
A.C.N. 100 891 307

Invoice No.: 5638
Date: 17/02/2023
Ship Via:

Bill To:

Access Canberra
Sch 2.2(a)(ii) Access Canberra Finance,
GPO BOX 158 Canberra ACT 2601

Ship To:

Access Canberra
Sch 2.2(a)(ii) - Access Canberra Finance,
GPO BOX 158 Canberra ACT 2601

DESCRIPTION	AMOUNT	CODE
Access Canberra Certificate IV Government Investigations 2023 - February	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	FRE
Participant Fees - Sch 2.2(a)(ii), Sch 2.2(a)(iii) per participant - Sch 2.2(a)(ii), Sch 2.2(a)(iii) (GST Free)- 17 Participants		
HBDI Profiles - Sch 2.2(a)(ii), Sch 2.2(a)(iii) per participant - Sch 2.2(a)(ii), Sch 2.2(a)(iii) (GST Free) - 17 Participants	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	FRE

Your Order No:	Customer ABN:	Freight:	\$0.00 GST												
Shipping Date:	Terms: Net 14	GST:	\$0.00												
Comment:	<table border="1"> <thead> <tr> <th>Code</th> <th>Rate</th> <th>GST</th> <th>Sale Amount</th> </tr> </thead> <tbody> <tr> <td>GST</td> <td>10%</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>FRE</td> <td>0%</td> <td>\$0.00</td> <td>Sch 2.2(a)(ii), Sch 2.2(a)(iii)</td> </tr> </tbody> </table>	Code	Rate	GST	Sale Amount	GST	10%	\$0.00	\$0.00	FRE	0%	\$0.00	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	Total Inc GST:	Sch 2.2(a)(ii), Sch 2.2(a)(iii)
Code	Rate	GST	Sale Amount												
GST	10%	\$0.00	\$0.00												
FRE	0%	\$0.00	Sch 2.2(a)(ii), Sch 2.2(a)(iii)												
		Amount Applied:	\$0.00												
		Balance Due:	Sch 2.2(a)(ii), Sch 2.2(a)(iii)												

Payment methods: EFT (Please quote invoice number as reference) / Cheque / Credit Card
Sch 2.2(a)(ii), Sch 2.2(a)(iii) Name: Wisdom Learning Pty Ltd
To make a payment by credit card please call our Finance Officer on (02) 6257 8588

Wisdom Learning Pty Ltd

6/6 National Cct
BARTON ACT 2600

Tax Invoice

A.B.N. 90 100 891 307
A.C.N. 100 891 307

Invoice No.: 5717
Date: 31/03/2023
Ship Via:

Bill To:
Sch 2.2(a)(ii)

Ship To:
Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

DESCRIPTION	AMOUNT	CODE
Tuition Fee - Certificate IV in Government Investigations	Sch 2.2(a)(ii), Sch 2.2(a)(ii)	FRE

Your Order No: Sch 2.2(a)(ii)	Customer ABN:	Freight: \$0.00 GST												
Shipping Date:	Terms: Net 14	GST: \$0.00												
Comment:	<table border="1"> <thead> <tr> <th>Code</th> <th>Rate</th> <th>GST</th> <th>Sale Amount</th> </tr> </thead> <tbody> <tr> <td>GST</td> <td>10%</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>FRE</td> <td>0%</td> <td>\$0.00</td> <td>Sch 2.2(a)(ii), Sch 2.2(a)(ii)</td> </tr> </tbody> </table>	Code	Rate	GST	Sale Amount	GST	10%	\$0.00	\$0.00	FRE	0%	\$0.00	Sch 2.2(a)(ii), Sch 2.2(a)(ii)	Total Inc GST: Sch 2.2(a)(ii), Sch 2.2(a)(ii)
	Code	Rate	GST	Sale Amount										
GST	10%	\$0.00	\$0.00											
FRE	0%	\$0.00	Sch 2.2(a)(ii), Sch 2.2(a)(ii)											
		Amount Applied: \$0.00												
		Balance Due: Sch 2.2(a)(ii), Sch 2.2(a)(ii)												

Payment methods: EFT (Please quote invoice number as reference) / Cheque / Credit Card
Sch 2.2(a)(ii), Sch 2.2(a)(ii) Name: Wisdom Learning Pty Ltd
To make a payment by credit card please call our Finance Officer on (02) 6257 8588

Wisdom Learning Pty Ltd

6/6 National Cct
BARTON ACT 2600

Tax Invoice

A.B.N. 90 100 891 307

A.C.N. 100 891 307

Invoice No.: 5727

Date: 31/03/2023

Ship Via:

Bill To:

Sch 2.2(a)(ii)

Ship To:

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

DESCRIPTION	AMOUNT	CODE
Tuition Fee - Certificate IV in Government Investigations	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	FRE

Your Order No: Sch 2.2(a)(ii)	Customer ABN:	Freight: \$0.00 GST												
Shipping Date:	Terms: Net 14	GST: \$0.00												
Comment:	<table border="1"> <thead> <tr> <th>Code</th> <th>Rate</th> <th>GST</th> <th>Sale Amount</th> </tr> </thead> <tbody> <tr> <td>GST</td> <td>10%</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>FRE</td> <td>0%</td> <td>\$0.00</td> <td>Sch 2.2(a)(ii), Sch 2.2(a)(iii)</td> </tr> </tbody> </table>	Code	Rate	GST	Sale Amount	GST	10%	\$0.00	\$0.00	FRE	0%	\$0.00	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	Total Inc GST: Sch 2.2(a)(ii), Sch 2.2(a)(iii) Amount Applied: \$0.00
Code	Rate	GST	Sale Amount											
GST	10%	\$0.00	\$0.00											
FRE	0%	\$0.00	Sch 2.2(a)(ii), Sch 2.2(a)(iii)											
		Balance Due: Sch 2.2(a)(ii), Sch 2.2(a)(iii)												

Payment methods: EFT (Please quote invoice number as reference) / Cheque / Credit Card

Sch 2.2(a)(ii), Sch 2.2(a)(iii) Name: Wisdom Learning Pty Ltd

To make a payment by credit card please call our Finance Officer on (02) 6257 8588

Wisdom Learning Pty Ltd

6/6 National Cct
BARTON ACT 2600

Tax Invoice

A.B.N. 90 100 891 307
A.C.N. 100 891 307

Invoice No.: 5643
Date: 10/03/2023

Ship Via:

Bill To:

Access Canberra
Sch 2.2(a)(ii) - Access Canberra Finance,
GPO BOX 158 Canberra ACT 2601

Ship To:

Access Canberra
GPO BOX 158
Canberra ACT 2601

DESCRIPTION	AMOUNT	CODE
Investigations Fundamentals Program - 8 February & 14 March 2023 Half workshop delivery Sch 2.2(a)(x), Sch 2.2(a)(xi) (GST Inclusive)	Sch 2.2(a)(xi), Sch 2.2(a)(xii)	GST

Your Order No:	Customer ABN:	Freight:	\$0.00 GST								
Shipping Date:	Terms: Net 14	GST:	Sch 2.2(a)(xi), Sch 2.2(a)(xii)								
Comment:	<table border="1"> <thead> <tr> <th>Code</th> <th>Rate</th> <th>GST</th> <th>Sale Amount</th> </tr> </thead> <tbody> <tr> <td>GST</td> <td>10%</td> <td>Sch 2.2(a)(xi), Sch 2.2(a)(xii)</td> <td>Sch 2.2(a)(xi), Sch 2.2(a)(xii)</td> </tr> </tbody> </table>	Code	Rate	GST	Sale Amount	GST	10%	Sch 2.2(a)(xi), Sch 2.2(a)(xii)	Sch 2.2(a)(xi), Sch 2.2(a)(xii)	Total Inc GST:	Sch 2.2(a)(xi), Sch 2.2(a)(xii)
Code	Rate	GST	Sale Amount								
GST	10%	Sch 2.2(a)(xi), Sch 2.2(a)(xii)	Sch 2.2(a)(xi), Sch 2.2(a)(xii)								
		Amount Applied:	\$0.00								
		Balance Due:	Sch 2.2(a)(xi), Sch 2.2(a)(xii)								

Payment methods: EFT (Please quote invoice number as reference) / Cheque / Credit Card
Sch 2.2(a)(xi), Sch 2.2(a)(xii) Name: Wisdom Learning Pty Ltd
To make a payment by credit card please call our Finance Officer on (02) 6257 8588

Wisdom Learning Pty Ltd

6/6 National Cct
BARTON ACT 2600

Tax Invoice

A.B.N. 90 100 891 307
A.C.N. 100 891 307

Invoice No.: 5644
Date: 24/02/2023

Ship Via:

Bill To:

Access Canberra
Sch 2.2(a)(ii) - Access Canberra Finance,
GPO BOX 158 Canberra ACT 2601

Ship To:

Access Canberra
GPO BOX 158
Canberra ACT 2601

DESCRIPTION	AMOUNT	CODE
Investigations Fundamentals Program - 16 November and 14 December 2022	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	GST
Half workshop delivery		
Sch 2.2(a)(xi), Sch 2.2(a)(xii) (GST Inclusive)		

Your Order No:	Customer ABN:	Freight:	\$0.00 GST								
Shipping Date:	Terms: Net 14	GST:	Sch 2.2(a)(ii), Sch 2.2(a)(xi)								
Comment:	<table border="1"> <thead> <tr> <th>Code</th> <th>Rate</th> <th>GST</th> <th>Sale Amount</th> </tr> </thead> <tbody> <tr> <td>GST</td> <td>10%</td> <td>Sch 2.2(a)(ii), Sch 2.2(a)(iii)</td> <td>Sch 2.2(a)(ii), Sch 2.2(a)(xi)</td> </tr> </tbody> </table>	Code	Rate	GST	Sale Amount	GST	10%	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	Sch 2.2(a)(ii), Sch 2.2(a)(xi)	Total Inc GST:	Sch 2.2(a)(ii), Sch 2.2(a)(xi)
Code	Rate	GST	Sale Amount								
GST	10%	Sch 2.2(a)(ii), Sch 2.2(a)(iii)	Sch 2.2(a)(ii), Sch 2.2(a)(xi)								
		Amount Applied:	\$0.00								
		Balance Due:	Sch 2.2(a)(ii), Sch 2.2(a)(xi)								

Payment methods: EFT (Please quote invoice number as reference) / Cheque / Credit Card
Sch 2.2(a)(ii), Sch 2.2(a)(xi) Name: Wisdom Learning Pty Ltd
To make a payment by credit card please call our Finance Officer on (02) 6257 8588