



**ACT**  
Government

Education and Training

File Ref: 2014/01648

[REDACTED]

Dear [REDACTED]

I refer to your request under the *ACT Freedom of Information Act 1989* (the Act), received by the Directorate on 19 February 2014.

### Your request

You are seeking access to:

*All papers and correspondence, minutes of meetings, file notes, files and advice minutes relating to the formulation of the Education and Training policy on school participation in aquatic and water based activities including swimming carnivals and swim recreation days, both draft and final versions. Include all emails, policy papers, notes and papers on telephone calls re subject.*

*All material on RLSSA involvement in the process including any direction both given to and received from the RLSSA on the policies and the introduction of the "5 Star Rating System" for aquatic venues.*

[REDACTED]

### 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 understand you have been advised that the Directorate is proposing to provide the response to your request in stages due to the number of documents relevant to your request and the requirement to consult with third parties where documents contain information about their business affairs.

A schedule setting out the documents released in Part 1 of the response 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 under section 41 of the Act, and to delete information outside the scope of your request in a number of 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 in emails about Directorate employees such as leave arrangements and mobile telephone numbers. I believe it would be an unreasonable disclosure of personal information to release this information.

#### Material outside the scope of your request

Material outside the scope of your request has been deleted several documents. This material includes information about meeting agendas and information about matters other than the interim swimming carnival policy that was provided to the Minister and Chief Minister.

#### **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.

#### **Online publication**

As advised previously you should be aware that under the ACT Government's Online FOI Publication Policy information released to you under this Freedom of Information application 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 online at:

[http://www.cmd.act.gov.au/data/assets/pdf\\_file/0016/250333/FOI\\_Web\\_Release\\_Policy - Final.pdf](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf)

Please note that the policy requires that the information is published online following the finalisation of the request.

Yours sincerely



Joanne Garrison  
Director  
Governance and Assurance  
13 May 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/- Governance and Assurance 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.