

File Ref: [REDACTED]

Dear [REDACTED]

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Education Directorate on 21 January 2019, in which you sought access to documents relating to the ANU Music H Courses. Your request was specifically for:

Documents related to the Australian National University (ANU) H Courses in music, and the successor courses in music taught at the ANU, from 1 January 2017 to 18 January 2019, including, but not limited to, correspondence, Ministerial briefs, internal documents, meeting notes, assessments or analysis of the issue, advice received, directions to or from ACT Government officials or the ANU, media enquiries or planning for enquiries, and contingency plans.

On 4 February 2019 I advised your office that documents related to your request had been the subject of a separate request and that these were publicly available. On 11 February 2019 your office advised that you were happy to narrow the scope of your request to the period 7 December 2018 to 18 January 2019. Thank you for your consideration.

I am an Information Officer appointed by the Director-General of the Education Directorate under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision on access

Searches were completed for relevant documents and 10 documents were identified that fall within the scope of your request.

My access decision is to provide partial access to all documents with deletions applied.

This decision is detailed further in the following statement of reasons.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

The documents released to you are provided as Attachment B to this letter.

Material considered

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

- the FOI Act, particularly sections 17 and 50, and schedules 1 and 2;
- the *Human Rights Act 2004*;
- the content of the documents that fall within the scope of your request; and
- information that is publicly available.

Reasons for decision

My reasons for deciding not to grant access to parts of the documents are because they contain information that:

- is taken to be contrary to the public interest to disclose in accordance with Schedule 1 of the Act, or
- I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act, or
- is publicly available.

I have decided to grant access, where possible, under section 50 of the Act, to copies of documents with information deleted that I consider is contrary to the public interest to disclose.

Information that is taken to be contrary to the public interest

Document 5 contains an attachment that is a draft of a Cabinet paper. In accordance with Schedule 1, 1.6 of the Act, this information is taken to be contrary to the public interest to disclose and therefore the attachment is not released.

Information that is considered, on balance, to be contrary to the public interest

In applying the public interest test I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the information would:

- (a)(i) promote open discussion of public affairs and enhance the government's accountability; and
- (a)(iv) ensure effective oversight of expenditure of public funds.

I have decided that the applicable factors favouring non-disclosure, as listed at Schedule 2.2 of the Act, are that disclosure of the information would prejudice the protection of an

individual's right to privacy or any other right under the *Human Rights Act 2004* (Schedule 2.2(a)(ii)).

I have considered the factors favouring disclosure and the factors favouring non-disclosure.

In accordance with Section 50 of the FOI Act, I have decided to delete information from the documents being provided to you because they contain personal information of third parties. I have decided that the individual's right to privacy of this information has a higher standing of public interest not to disclose, than the public interest in disclosing this information.

Information that is publicly available

Attachments to Document 10 are not released because they are publicly available. These comprise the release of documents by the Chief Minister, Treasury and Economic Development Directorate in response to an FOI request and are available on their disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>, refer to CMTEDDFOI 2018-0350.

Charges

Processing charges are not applicable for this request.

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 published in the Education Directorate's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

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.

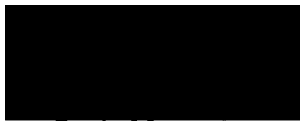
Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact our FOI Coordinator on (02) 6205 0720 or email EDULegalLiaison@act.gov.au

Yours sincerely



Paula Murray
Information Officer
Education Directorate

19 February 2019