

File Ref: [REDACTED]

[REDACTED]

Via email: [REDACTED]

[REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under the *Freedom of Information Act 2016* (the Act) received by the Education Directorate (the Directorate) on 12 July 2022, in which you sought access to copies of specific Ministerial briefs, excluding attachments. The decision for your request was provided to you on 31 August 2022, with the exception of one record (Record 30) that was withheld due to third party consultation requirements. Record 30 was identified as:

REC22/52823	Tabling of Technical Amendments to Education and Care Services National Law with ACT Legislative Assembly
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The third party consultation process has been completed and this letter sets out my decision in relation to this record.

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

Decision on access

I have decided to grant partial access to Record 30 with deletions applied. It is provided at [Attachment A](#) to this letter.

My access decision is detailed further in the following statement of reasons.

Material considered

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

- the Act, particularly sections 16, 17 and 50, and schedules 1 and 2;

- the contents of the record; and
- the views of third parties consulted.

Reasons for decision

I have considered the record in accordance with the requirements of the Act.

A record that is not released or is partially released contains '*contrary to the public interest information*' in accordance with definition at section 16 of the Act. Where possible, deletions are been applied in accordance with section 50 of the Act, enabling the remainder of the record to be released.

Information taken to be contrary to the public interest to disclose

The record contains information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act. This applies to information covered by legal professional privilege (Schedule 1, 1.2) which references confidential legal advice provided to the Directorate. This information has been redacted from the copy provided to you.

Information, the disclosure of which would, on balance, be contrary to the public interest

The public interest test set out at section 17 of the Act is used to decide whether disclosure of information would, on balance, be contrary to the public interest. The test requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

The remainder of the record has been reviewed and no factors favouring non-disclosure were identified. Therefore, the remainder of the record is released in accordance with the objects of the Act and the pro-disclosure bias specified at section 9.

Charges

There is no charge associated with this request, in line with [REDACTED] of the Act.

Online publishing – disclosure log

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request, my decision and the records released to you in response to your access application will be published in the Directorate's disclosure log between three and 10 working days after a decision on access has been provided to you. Your personal information will not be published.

You may view the Directorate's disclosure log at

https://www.education.act.gov.au/about-us/freedom_of_information/disclosure-log.

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 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 the Directorate's FOI team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Paula Murray
Information Officer

6 September 2022