

File Ref: [REDACTED]

[REDACTED]

Via email: [REDACTED]

[REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST:

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Education Directorate (the Directorate) on 14 July 2021, in which you sought access to records relating to:

The subject line of all final ministerial briefs since 14 June 2021, including dates, positions of authority it was written by and addressed to, generated for or directed to the below Ministers:

- *Chief Minister*
- *Deputy Chief Minister*
- *Minister for Early Childhood Development*
- *Minister for Education and Youth Affairs*
- *Minister for Housing and Suburban Development*
- *Minister for Women*
- *Minister for the Prevention of Domestic and Family Violence*
- *Minister for Sport and Recreation*
- *Manager of Government Business*
- *Minister for Planning and Land Management*
- *Minister for Police and Emergency Services*
- *Minister for Corrections*
- *Minister for Industrial Relations and Workplace Safety*
- *Attorney-General*
- *Minister for Consumer Affairs*
- *Minister for Water, Energy and Emissions Reduction*
- *Minister for Gaming*
- *Minister for Health*
- *Minister for Families and Community Services*

- *Minister for Aboriginal and Torres Strait Islander Affairs*
- *Minister for Transport and City Services*
- *Minister for Skills*
- *Special Minister of State*
- *Minister for the Arts*
- *Minister for Business and Better Regulation*
- *Minister for Human Rights*
- *Minister for Multicultural Affairs*
- *Minister for the Environment*
- *Minister for Heritage*
- *Minister for Homelessness and Housing Services*
- *Minister for Sustainable Building and Construction*
- *Assistant Minister for Families and Community Services*
- *Minister for Disability*
- *Minister for Justice Health*
- *Minister for Mental Health*

This request includes briefs prepared for Question Time, but not for Estimates or Annual Reports.

I note the agreement made on 30 July 2021 with your office, that the Education Directorate will not provide the signatory's name for each brief on the understanding that this will have been at the Executive Group Manager level or above.

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.

The Education Directorate was required to provide a decision on your access application by 11 August 2021. However, on the 10 August, in recognition of a higher than usual workload being experienced by this office, you agreed to an extension to the 20 August. Thank you for your flexibility in accommodating the extension request.

Decision on access

Searches were completed for relevant records and one record was identified that falls within the scope of your request. This record is an excerpt from a records management system which has been converted to PDF.

I have decided to provide partial access to the record with deletions applied.

The record released is provided as 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 content of the record that falls within the scope of your request; and
- the *Human Rights Act 2004*.

Reasons for decision

Records that are partially released with deletions applied in accordance with Section 50 of the FOI Act, contain information that would, on balance, be contrary to the public interest to disclose, in accordance with the public interest test set out in Section 17 of the FOI Act.

The public interest 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.

I have decided that the factor favouring disclosure, as listed at Schedule 2.1 of the Act, is that disclosure of the information could reasonably be expected to *contribute to positive and informed debate on important issues or matters of public interest* (Schedule 2.1(a)(ii)).

I have decided that the applicable factor favouring non-disclosure in the public interest, as listed at Schedule 2.2 of the Act, is that the information could reasonably be expected to *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 factor favouring disclosure and the factor favouring non-disclosure.

I have placed significant weight on the positive contribution to informed debate on important issues or matters of public interest and I am conscious of the pro-disclosure bias that is an underpinning principle of the Act. As such, most of the information requested is fully released.

Information relating to third parties, or that could lead to the identification of individuals has been deleted as I have concluded that the individual's right to privacy has a higher standing of public interest not to disclose, than the public interest in disclosing this information.

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

20 August 2021