



Via email: 

Dear 

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 20 April 2022, in which you sought access to records relating to:

'The subject line of all final ministerial briefs from 10 March 2022 to 10 April 2022 generated for or directed to any ACT Government Minister.'

This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to.

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

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 19 May 2022.

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. However, metadata about the signatory and their position is not recorded in the system and therefore this information is not included. For your information, the briefs will have been reviewed at the Executive Group Manager level or above prior to submission to the Minister.

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 Act, particularly sections 16, 17 and 50, and schedules 1 and 2;
- the content of the records that fall within the scope of your request; and
- the *Human Rights Act 2004*.

Reasons for decision

I have considered the records that are relevant to your request in accordance with the requirements of the Act.

The record is partially released with deletions applied in accordance with section 50 of the Act. Deletions have been applied to '*contrary to the public interest information*' in accordance with definition at section 16 of the Act. Section 50 provides for information that is contrary to the public interest to be deleted from the records, enabling the remainder of the record to be released.

The record contains information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act and this information has been deleted in accordance with the following provisions:

Schedule 1, 1.6 - Information prepared for deliberation by Cabinet is not released. I am satisfied that the information concerned is not purely factual, disclosure would involve the disclosure of a deliberation by Cabinet and the outcome of Cabinet's deliberation has not been published; thus, the exclusions at Schedule 1, 1.6(2) do not apply

Schedule 1, 1.14 - Information that could reasonably be expected to prejudice an investigation of a contravention or possible contravention of the law in a particular case has been deleted. Disclosure of the information could be detrimental to the conduct of the investigation as it may affect the gathering of evidence and the independence of witnesses.

Charges

There is no charge associated with this request, in line with section [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
19 May 2022