

Email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under the *Freedom of Information Act 2016* received by the ACT Education Directorate on 23 December 2022, in which you are seeking access to information. As some of the information you are seeking relates to the Children's Education and Care Assurance (CECA), which is governed by the *Education and Care Services National Law 2011*, part of your request has been processed under the Commonwealth *Freedom of Information Act 1982 (the Cth FOI Act)*, as modified by the *Education and Care Services National Regulations 2011*.

The records you have requested are:

- *Any registration renewal panel reports from 1/1/2018 to 23/12/22.*
- *Records relating to complaints from members of the public submitted to EDU from 1/1/18 to 23/12/22.*
- *Records relating to building grants given to the school from 1/1/14 to 23/12/22.*
- *Correspondence between school representatives and EDU regarding financial viability and governance arrangements from 1/1/14 to 23/12/22.*

I am authorised under section 23 of the Cth FOI Act to make a decision on behalf of the Directorate in relation to your request.

The Education Directorate was required to provide a decision on your access application by 16 February 2023. You kindly agreed to extensions to 17 March 2023, 17 April 2023 and 1 May 2023. The Directorate apologises for the delay in completing the processing of your request. Thank you for your patience and consideration – it is greatly appreciated.

Decision on access

Searches were completed and six records were identified that fall within the scope of your request.

Included as Attachment A to this decision is the schedule of relevant documents. This provides a description of each document and its access decision.

In summary, my decision is to provide partial access to all records, with deletions applied.

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

My decision is explained in the following statement of reasons.

Material considered

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

- the Cth FOI Act, particularly sections 3, 11, 11B, 22, 27, 27A, and 47F;
- the *Privacy Act 1988* (Cth);
- the FOI Guidelines issued under section 93A of the Cth FOI Act by the Australian Information Commissioner; and
- the views of third parties consulted.

Reasons for decision

Some of the records contain information that is deemed to be conditionally exempt and contrary to the public interest to release under the Cth FOI Act. Where appropriate, the conditionally exempt information has been redacted, enabling the remainder of the record to be released.

Details of the exemption provision, together with my reasons for applying it are set out below.

Records affecting personal privacy

Section 47F of the Cth FOI Act conditionally exempts (subject to a public interest test) records where disclosure would involve the unreasonable disclosure of personal information of a person. I have decided that this provision applies to personal information affecting the privacy of individuals, particularly persons associated with Orana Steiner School, and that it is not in the public interest to release their personal information. The names, position titles and signatures of employees of the school have been redacted accordingly.

Your rights for review

My decision not to release all the information relevant to your request is subject to review under section 53A of the Cth FOI Act. It is also appealable if, in your opinion, you do not believe that all records 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 Cth FOI Act is attached to this letter.

Online publication

Section 11C of the Cth FOI Act requires that information made available to an applicant be published to members of the public generally on a website, subject to exceptions including for personal information and information relating to business affairs. The publication must occur within ten working days after the day the applicant is given access to the records.

Please contact the Directorate's FOI team at EducationFOI@act.gov.au or 02 6205 0720 if you require any further information regarding your request.

Yours sincerely



Paula Murray
Senior Director, Information Access

19 May 2023

Cth Freedom of Information Act 1982: Review and Appeal Processes

Internal review

Under s 53A of the Cth FOI Act you may request a review of a decision made under the *Freedom of Information Act 1982* (Cth). Requests for review must be made in writing to the Education Directorate. Requests can be sent by mail to:

The Director-General
C/- FOI Officer,
Governance Branch
ACT Education Directorate
GPO Box 158
CANBERRA CITY ACT 2601

Or email: EducationFOI@act.gov.au

You have **30 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

National Education and Care Services FOI Commissioner

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the Information Commissioner: s 54L Cth FOI Act. In this instance the relevant person is the National Education and Care Services FOI Commissioner (NECS FOI Commissioner). The NECS FOI Commissioner undertakes a review and can then either affirm, vary or substitute the decision, under s 55K of the Cth FOI Act.

Commonwealth Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) is an independent body which undertakes independent merits review of administrative decisions made under Commonwealth laws. The AAT can affirm or vary a decision made by the Directorate, or set aside the decision and substitute its own decision. Alternatively, the AAT can send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

You can find out further information on the AAT website:

<http://www.aat.gov.au/applying-for-a-review>

You can contact the AAT via telephone on 1800 228 333.

Or you can make an application online via:

<https://forms.aat.gov.au/landing.htm?formCode=app-for-review>

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.