



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0007b

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Exempt Sch 1.3(6) & 1.3(7)
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	20
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: FOI request - Canberra driving instructors
Date: Wednesday, 10 January 2018 11:56:49 AM
Attachments: [image002.png](#)
[image003.png](#)

Good morning,

[REDACTED]

I also request all documents and correspondence relating to working with vulnerable people registration applications for diver instructors, in the circumstances for which these registrations failed. I am not seeking documents relating to all applications – only those that failed. I am seeking these documents for the period of January 1 2017 to January 10 2018. Please ensure this correspondence includes information about whether the instructors consequently had their accreditation rejected or approved.

My contact details are: [REDACTED],
[REDACTED]

Regards,

[REDACTED]

-

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Our ref: CMTEDDFOI2018-0007b



Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016*, (the FOI Act) received by the Chief Minister Treasury and Economic Development Directorate (CMTEDD) on 10 January 2018, in which you sought access to Working with Vulnerable People registrations for Accredited Driving Instructors (ADI).

Specifically, you sought documents relating to Working with Vulnerable People applications for driving instructors, lodged between January 1 2017 to January 10 2018 in circumstances where their registrations was not accepted. You further requested information about whether or not these driving instructors consequently had their accreditation as a driving instructor rejected or approved.

Authority

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

Timeframes

CMTEDD is required to provide a decision on your access application by 8 February 2018.

Decision on access

Searches were completed for relevant documents that fall within the scope of your request. As a result of this search, documents which I deem as relevant to your request were identified.

Having reviewed the material contained in these documents, I have decided to refuse access to all information contained within these documents as I consider their release contrary to the public interest under schedule 1 of the FOI Act.

My access decisions are detailed further in the following statement of reasons.

Material considered

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

- the FOI Act, particularly Schedule 1.3(6) and (7);
- the *Working with Vulnerable People (Background Checking) Act 2011*;
- your views on the public interest in disclosing the government information applied for (as per section 37 of the FOI Act);
- the *Information Privacy Act 2014*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Information disclosure is prohibited by law.

Section 65 of the *Working with Vulnerable People (Background Checking) Act 2011* contains a secrecy provision as defined in schedule 1.3(6) and schedule 1.3(7) of the FOI Act. As a result, any information that falls within the meaning of protected information in section 65 of the *Working with Vulnerable People (Background Checking) Act 2011* is prohibited by law from disclosure.

As the documents within the scope of your request are entirely composed of, or contain information that falls within section 65 of the *Working with Vulnerable People (Background Checking) Act 2011* the release of this information is prohibited by law and is contrary to the public interest under schedule 1 of the FOI Act.

Charges

Processing charges are not applicable for this request because no documents are to be released.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CMTEDD maintains an online record of access applications called a disclosure log. Pursuant to the requirements of the section 28(2) of the FOI Act, your access application and this decision letter will be published on the CMTEDD disclosure log.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is published in CMTEDD 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
Via email: ombudsman@ombudsman.gov.au

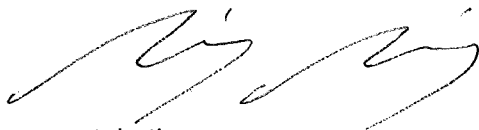
ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the FOI 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/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7765 or email CMTEDDFOI@act.gov.au

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister Treasury and Economic Development Directorate

7 February 2018