

FREEDOM OF INFORMATION (FOI) REQUEST

Canberra Institute of Technology
officeofthechiefexecutive@cit.act.edu.au

My reference: FOICIT20180103

Date: 03 January 2018

Name of applicant: [REDACTED]

Address: [REDACTED]

Telephone: NO calls entertained. Email at: [REDACTED]

Purpose

This application has been made in the spirit (and letter of course) of section 6 with special reference to paragraphs 'c', 'd', and 'g' of the section as well as Schedule 2, section 2.1 of the FOI Act 2016.

Information Requested

1. I would like to access **document(s)** (approved policy, procedures and codes of practice consistent with *Territory Privacy Principles* and *Territory Records Act 2002*, and *CIT Client Service Charter*) relied upon, referred to, and used by CIT officials, as below, in:

a) *actually classifying work life experience* of the evidence (documents related to formal studies at CIT) submitted on 25 May 2017 for my RPL applications for two units: BSBWHS401 and BSBRSK501 by [REDACTED]. **Reference:** attachments WHS 03 - 15 Jun - [REDACTED] to 25 May email and RSK 03 - 16 Jun - Ms Allen advice on evidence.

b) providing the following advice '*Anything that requires further work other than just looking at your transcript is classed as work life experience and then there is a cost involved*' in the attached voice mail in relation to defending the work life determination by [REDACTED] on the evidence submitted on 25 May 2017 for my RPL applications for two units: BSBWHS401 and BSBRSK501. **Reference:** attachment RSK 07 - 27 Jul [REDACTED] advice through Voice Mail 74821 (34 seconds).

c) sourcing supplementary evidence, noting my **UNWILLING** to engage in conversations and/or **REFUSAL** to provide additional evidence, from other areas of CIT and especially the CIT Governing Board Secretariat by [REDACTED] **Reference:** attachment RSK 39 - 07 Nov - Email 7 from [REDACTED] - recognition advice.

2. I would like to access **documents** (approved policy and procedures consistent with all applicable laws, Board charter, election and nomination rules, and my consent for disclosing to any other party for any secondary or unrelated purpose) referred to and used by [REDACTED] in disclosing my nomination submission for the CIT Governing Board Election 2016 to [REDACTED] and [REDACTED]. **Reference:** attachment Email from [REDACTED] 31 October 2017.

3. I would like to access **documents** (approved policy, procedures and codes of practice consistent with *Territory Privacy Principles* and *Territory Records Act 2002*) for compliance, reference and use by the CIT officials in assessing, processing and finalising an RPL application where the applicant is **UNWILLING** to engage in conversations or **REFUSES** to provide additional evidence relating to their RPL application. **Reference:** same as for 1(c).

4. I would like to access documents (including but not limited to, email from [REDACTED] and [REDACTED] to the concerned area, file notes, logs, documented approval of the addition) documenting the process of updating the compliance report for the Diploma of Legal

Services by two additional units (LEGL 215 Apply legal principles in contract and consumer law and ACCT 268 Prepare and administer tax documentation for legal entities) ON or Before 18 May 2017 as advised by [REDACTED]. **Reference:** attachment Email from [REDACTED] on addition of 2 units to compliance.

Providing the requested information

A copy of these documents be mailed to the above address as well as scanned and emailed to [REDACTED]

Fee waiver

For any and all pages above 50 allowed under the Act, I seek waiver of the processing fees and charges in accordance with section 107 of the 2016 Act on the grounds of:

Personal Affairs

Public Interest

Financial Hardship

Other grounds (please describe below)

Signature:

P.S.

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Canberra Institute of Technology (CIT) on 3 January 2018 in which you sought access to:

1. **document(s)** (approved policy, procedures and codes of practice consistent with *Territory Privacy Principles* and *Territory Records Act 2002*, and *CIT Client Service Charter*) relied upon, referred to, and used by CIT officials, as below, in:
 - a) *actually classifying work life experience* of the evidence (documents related to formal studies at CIT) submitted on 25 May 2017 for my RPL applications for two units: BSBWHS401 and BSBRSK501.
 - b) providing the following advice '**Anything that requires further work other than just looking at your transcript is classed as work life experience and then there is a cost involved**' in the attached voice mail in relation to defending the work life determination.
 - c) sourcing supplementary evidence, noting my **UNWILLING** to engage in conversations and/or **REFUSAL** to provide additional evidence, from other areas of CIT and especially the CIT Governing Board Secretariat.
2. **documents** (approved policy and procedures consistent with all applicable laws, Board charter, election and nomination rules, and my consent for disclosing to any other party for any secondary or unrelated purpose) referred to and used in disclosing my nomination submission for the CIT Governing Board Election 2016.
3. **documents** (approved policy, procedures and codes of practice consistent with *Territory Privacy Principles* and *Territory Records Act 2002*) for compliance, reference and use by the CIT officials in assessing, processing and finalising an RPL application where the applicant is **UNWILLING** to engage in conversations or **REFUSES** to provide additional evidence relating to their RPL application.
4. documents (including but not limited to, email to the concerned area, file notes, logs, documented approval of the addition) documenting the process of updating the compliance report for the Diploma of Legal Services by two additional units (LEGL 215 Apply legal principles in contract and consumer law and ACCT 268 Prepare and administer tax documentation for legal entities).

Authority

I am an Information Officer appointed by the CIT CEO under section 18 to deal with access applications made under Part 5 of the Act.

Timeframe

CIT was required to provide you with a decision on your access application by 31 January 2018. As you know CIT did not make its decision in time and notified the Ombudsman of this on 28 February 2018.

Decision on access

A search of all business areas within CIT which may hold documents relevant to your request was completed. The search resulted in 10 documents being identified which met the requirements of your access request.

I have included a schedule of relevant documents to this decision at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

In relation to your request I provide the following information:

Your Reference	CIT Response	CIT Reference
1.	Client Services Charter	1
1. a)	The documentation relied upon is the CIT Skills Recognition Procedures (note 2)	2
1. b)	The documentation relied upon is the CIT Skills Recognition Policy (principle 12) and the CIT Skills Recognition Procedures (note 2)	2, 3
1. c)	There is no documentation relating to sourcing supplementary evidence, particularly for those unwilling to engage in conversations and/or refusing to provide additional evidence.	
2.	CIT Privacy Policy, CT Board Charter and CIT Board Student Election Rules	4, 5, 6
3.	Refer to 1c.	
4.	Four emails have been identified relating to updating the compliance report for the Diploma of Legal Services.	7, 8, 9, 10

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 on CIT'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: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal

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 Street
GPO BOX 370
Canberra City ACT 2601
Phone: 02 62071740
www.acat.act.gov.au

If you have any queries concerning CIT's processing of your request, or would like further information, please contact me directly on 6207 4955.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Paul Ryan', with a stylized flourish at the end.

Paul Ryan
Information Officer
Canberra Institute of Technology
9 March 2018

ATTACHMENT A

Freedom of Information Request Schedule

Name	What are the parameters of the Request	File no.
[REDACTED]	document(s) (approved policy, procedures and codes of practice consistent with <i>Territory Privacy Principles</i> and <i>Territory Records Act 2002</i> , and <i>CIT Client Service Charter</i>) for recognition of prior learning (RPL), disclosing personal information, processing and finalising an RPL application and updating the compliance report for the Diploma of Legal Services by two additional units	CIT 2018-002

Ref No.	No of pages	Description	Date	Status	Reason for exemption	Online Release status
1	4	CIT Client Services Charter	September 2015	Release	N/A	Yes
2	2	Skills Recognition Procedures	April 2017	Release	N/A	Yes
3	2	Skills Recognition Policy	April 2017	Release	N/A	Yes
4	8	CIT Privacy Policy	August 2014	Release	N/A	Yes
5	6	CIT Board Charter	October 2015	Release	N/A	Yes
6	5	CIT Board Student Election Rules	April 2015	Release	N/A	Yes
7	2	Email from [REDACTED] - Diploma	5/2/2017	Release	N/A	No
8	2	Email from [REDACTED] - student wanting to substitute electives in Diploma of Legal Services	20/2/2017	Release	N/A	No
9	4	Email from [REDACTED] - Additional Electives for DP BC25 Diploma of Legal Services	15/5/2017	Release	N/A	No
10	5	Email from [REDACTED] - Recognition	18/5/2017	Release	N/A	No

CIT Client Services Charter

At CIT our mission is to change lives through quality education and skills development for individuals, industry and community. This charter underpins the CIT Client Service Standards and outlines what you can expect when dealing with our organisation.

Our Values

We will:

- ▶ act respectfully in all our dealings with clients, colleagues, industry and community
- ▶ work with integrity providing sound innovative solutions and consistent, accessible and accurate information and advice
- ▶ be open and honest, and follow through on our commitments.

Our Conduct

We operate as one CIT team and will:

- ▶ listen to all our clients to understand their needs
- ▶ collaborate with internal and external stakeholders
- ▶ keep abreast of the latest changes in the education and training sector and workforce development
- ▶ adhere to CIT values and the CIT Code of Practice at all times.

Our Commitments

We will:

- ▶ provide access to staff who are trained and skilled in the provision of education and customer service
- ▶ be responsive and flexible to meet client needs and engage in genuine consultation with our clients and partners
- ▶ provide services and facilities that are as accessible as possible to all our stakeholders, including those with special needs
- ▶ provide access to training from a range of nationally accredited programs developed to meet client needs
- ▶ value feedback as part of the process of improving client services
- ▶ manage all your personal information in accordance with the Territory Privacy Principles contained in the *Information Privacy Act 2014*
- ▶ maintain policies and procedures which are accessible to clients via the CIT website.

Help Us to Help You

We welcome and value your comments and suggestions on this charter and on how we can improve our service in the future.

By telephone – CIT Student Services (02) 6207 3188. By email – infoline@cit.edu.au

CITs Commitment to the Client Services Charter

This commitment to the Client Services Charter provides details of service delivery standards that are expected of all CIT staff across all aspects of CIT's business. Through this commitment to the charter we demonstrate the CIT values of respect, integrity, collaboration and innovation.

Standards of good service

The following standards identify practical ways in which CIT staff provide excellent service to our clients.

We will provide professional service in a friendly, responsive environment with capable staff that are appropriately recruited and trained to meet the needs of the clients.

If you visit us in person (visitors) we will:

- ▶ ensure you are able to readily identify staff through the use of name badges or CIT cards
- ▶ treat you with respect and courtesy and be fair in all our dealings
- ▶ endeavour to respond to your query in full or refer you to the more appropriate area or call you back as soon as possible
- ▶ attend appointments and meetings at the agreed time
- ▶ provide appropriate facilities for meetings
- ▶ do our best to meet your needs in genuine emergencies.

If you call us we will:

- ▶ answer calls as promptly as possible or have an answering service available
- ▶ identify ourselves with our name and work area when answering calls
- ▶ be courteous and helpful at all times
- ▶ endeavour to answer your query in full or refer you to a more appropriate area or call you back as soon as possible
- ▶ respond to voicemail promptly
- ▶ leave a voicemail message when out of the office, if this is for more than one day leave an alternative contact number if appropriate.

If you send us a letter or email, we will:

- ▶ acknowledge correspondence straight away
- ▶ communicate clearly providing a full reply within 5–10 working days for responses
- ▶ include a contact name, reference number (where appropriate) and other contact details (telephone, email) when replying.

If you have a meeting with us, we will:

- ▶ book appointments through Outlook at a mutually convenient time
- ▶ reschedule meetings if required, notifying you as soon as possible as well as calling you to reschedule the meeting at a mutually convenient time
- ▶ be on time and prepared for meetings by reading through any relevant meeting notes prior to the meeting
- ▶ follow up on actions required after the meeting
- ▶ note the outcomes of the meeting.

Teaching and learning

CIT is committed to enriching learners with skills and knowledge for now and the future. As they study with us, CIT learners can expect:

- ▶ to be provided with a safe learning environment
- ▶ to be provided with a full range of library services, facilities and resources
- ▶ to be provided with appropriate learning environments for classes
- ▶ teaching staff will attend classes on time for the published length of time
- ▶ teachers will identify times they are available to meet with students to provide administrative support
- ▶ in exceptional circumstances where a class is cancelled the head of department will follow the procedure for cancelling a class as outlined in the responsibilities in the Learning Environment Policy, offering a replacement class at a suitably convenient time
- ▶ teachers are trained and skilled in their vocational area and meet all regulatory requirements
- ▶ training courses and assessment meet industry standards, and cater for a range of learning styles
- ▶ student work or assessment items will be marked and feedback provided within two weeks of the assessment due date
- ▶ to be given the opportunity to apply for an extension to the assessment completion date and/or negotiate special consideration under certain circumstances, as outlined in the CIT Assessment Policy
- ▶ results will be available within two weeks of the subject/competency end date
- ▶ Skills Recognition applications will be processed within 14 weeks
- ▶ to receive their award within 30 days of completion of a program of study
- ▶ statements of participation will be issued within agreed timeframes for short non-accredited programs.

Information to employers

CIT is committed to supporting business and providing up to date information on the range of services we provide. Our commitment to supporting your business will assist you to develop performance and productivity.

Services include:

- ▶ training options for your business
- ▶ information on accessing government training funds
- ▶ state of the art facilities hire
- ▶ offer international training, flexible learning options and targeted development of online learning products for businesses
- ▶ current information on apprenticeships and traineeships.

Student support

A range of services are available to students including counselling, careers advice, peer tutoring, fee assistance, youth support, migrant refugee support, equity and disability support. Suitable and reasonable adjustments can be negotiated to support students with a disability however, prior notice of the requirement for this support is essential. Student support staff work as a team and respect the privacy of students within that team.

Our services and facilities are as accessible as possible to a diverse range of stakeholders. Clients can expect:

- ▶ confidentiality
- ▶ reasonable adjustments for people with a disability
- ▶ services that support diversity
- ▶ information provided in accessible formats.

Visitors

Visitors to CIT are expected to act with respect and integrity at all times.

Privacy

CIT will manage all client information in accordance with the Territory Privacy Principles contained in the *Information Privacy Act 2014*.

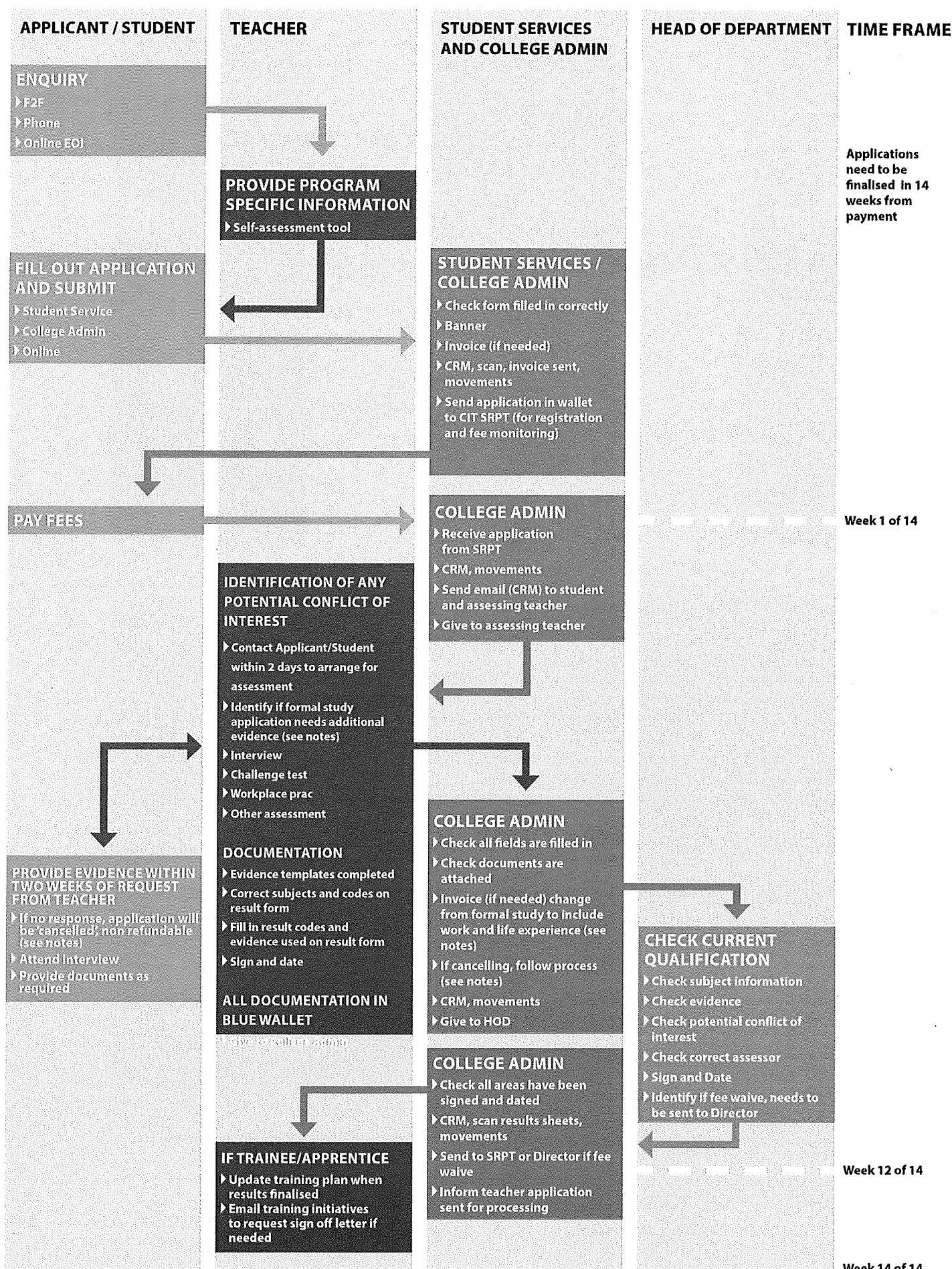
Problems, issues and difficulties

CIT is committed to providing a quality service to all clients. Client feedback is valued as part of the process of improving customer services. Clients can expect:

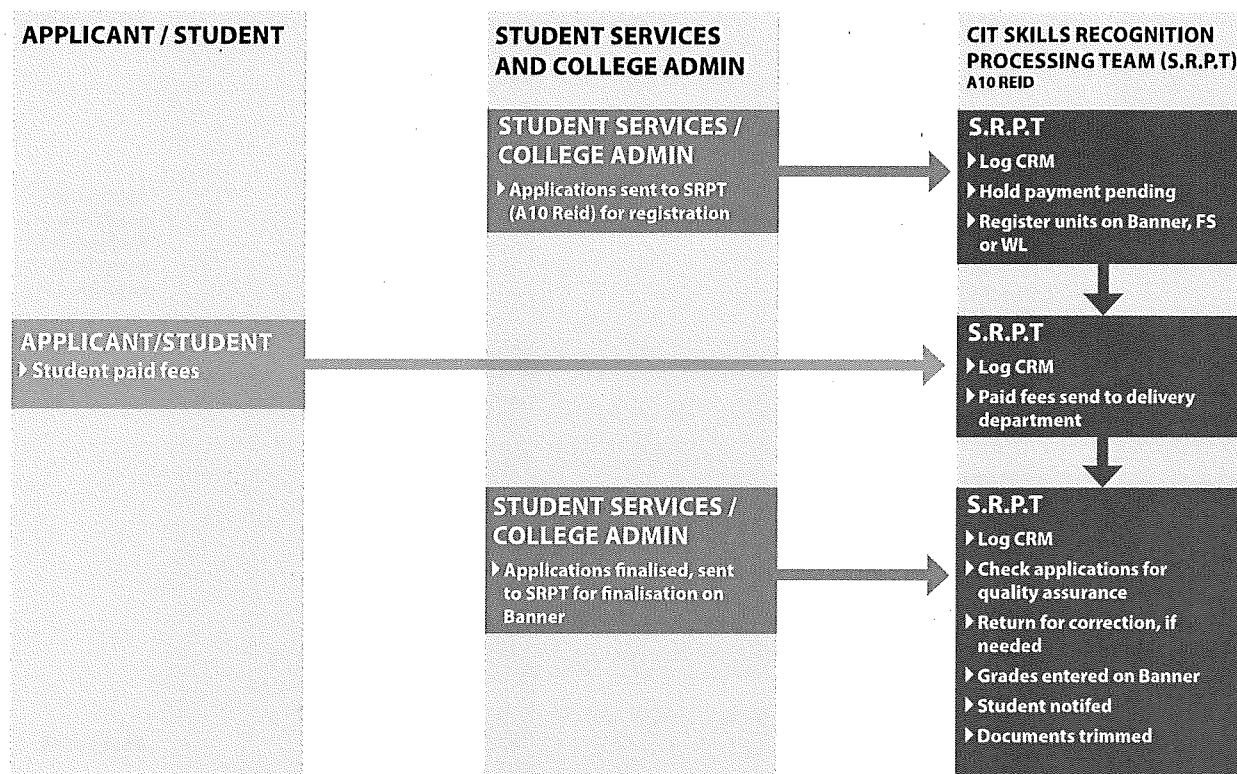
- ▶ to be consulted in an open and informative manner on how their needs might best be met
- ▶ to be given the opportunity to provide feedback to CIT on its standards of services
- ▶ that CIT will work within its complaints policy and procedures if issues arise
- ▶ CIT staff will be familiar with and reference CIT Policy and Procedure available on the Staff Information Site (SIS).

Should you have an issue about the quality of CIT's service or the manner in which this service is delivered and you wish to discuss it further please contact the Executive Director, People and Organisational Governance on **(02) 6207 3133**.

SKILLS RECOGNITION PROCEDURES FLOW CHART



SKILLS RECOGNITION PROCEDURES FLOW CHART FOR PROCESSING TEAM



NOTE 1: CANCELLATION OF AN APPLICATION

When:

- Applicant requests the application be cancelled – usually in writing
- Teacher and or Head of Department request application be cancelled – with reason why this is to be cancelled
 - I.e. Applicant fails to provide evidence when requested (evidence of this failure attached)
- Application has passed the 14 week timeframe with no documented/approved extension

How:

- Documentation to support cancellation is attached
- Application given to admin staff for CRM logging of cancellation and reason
- Application returned to SRPT (A10). SRPT (A10) notifies applicant of cancellation. They are given the opportunity to respond and continue the application if immediate action is taken.
- Application cancelled with no refund/ or returned with new completion date.

NOTE 2: INVOICE – CHANGE OF ASSESSMENT FROM FORMAL STUDY TO INCLUDE WORK/LIFE EXPERIENCE

When:

- Teacher determines that formal study only is not sufficient/or not current and applicant needs to provide more evidence from work or life experience.

How:

- Teacher is to contact student to inform them of the need for more evidence and advise this will incur a fee (advice to be given on what evidence is needed and how much is the fee and when it is to be paid)
- Applicant will agree to the fees and the application will continue or will request the application be cancelled
- Admin staff, to calculate and issue the Invoice, updating CRM.
- Application is to continue with assessor and follow the normal process
- SRPT (A10) will process application when the Invoice has been paid.

Skills Recognition in Progress Codes: FS - Formal study to be assessed WF - Work life evidence to be assessed (RPL)

Skills Recognition Decision Codes:

Formal Study Credit: CT - Credit Transfer Granted NA - Not Approved
Or RPL only: RG - Recognition Granted NG - Recognition Not Granted

Skills Recognition Policy

1. Purpose

To ensure that individuals are given recognition for subject/learning outcomes and competencies already achieved.

2. Scope

This policy covers Recognition of Prior Learning (RPL) and Credit Transfer for CIT programs. This may also include arrangements of pre-defined credit for successful completion of part or full qualifications awarded from another institution.

3. Principles

1. CIT is committed to Skills Recognition to assess an individual's prior learning, including formal and informal learning to determine the extent to which the individual has achieved the required unit(s) of competency or learning outcomes for subject(s) in a program.
2. Skills Recognition will be offered to all potential and current students at information and enrolment sessions, and throughout their program.
3. Where the applicant is a CIT staff member, the Staff Studying at CIT Policy must be consulted.
4. Formal learning from another Registered Training Organisation (RTO) will be recognised through Credit Transfer. Credit Transfer evidence must be current as determined by industry regulations or if industry regulations do not apply then no greater than 5 years old. Evidence of the outcomes of previous informal learning (which may include components of formal learning) will be considered through RPL.
5. CIT will document credit transfer and articulation arrangements with universities, other educational institutions and training providers where pathways are likely to be accessed by a number of students.
6. Any Australian higher education qualification may be used to support RPL evidence only, unless formal arrangements have been made for Credit Transfer. This is a formal agreement or Memorandum of Understanding negotiated with CIT College Directors with records of documentation held with General Manager, Student and Academic Services. This will only apply when a number of students will be using this pathway.
7. Qualifications from non-Australian education institutions may only be used to support RPL evidence; it cannot be counted for Credit Transfer.
8. Skills Recognition can be awarded for CIT higher education programs, evidence-based procedures are to be applied transparently and consistently. Assessment must show how it is aligned to unit learning outcomes.
9. Applicants do not need to be enrolled in a program at CIT to apply for Skills Recognition through CIT. Applicants can seek assistance and submit applications at CIT Student Services and/or CIT teaching areas.
10. There is no limit to the amount of Skills Recognition that may be awarded for a CIT VET program as long as there is some RPL assessment included in the process. This means:
 - a. 100% recognition may be obtained either through RPL alone or through a mix of Credit Transfer and RPL.

- b. A CIT award will not be issued for a VET program achieved through 100% Credit Transfer from another RTO unless approved General Manager Student and Academic Services.
11. Skills Recognition awarded may reduce the length of a course. For International Students on student visas any reduction in the course duration will be reported to the Department of Education via the Provider Registration and International Student Management System (PRISMS) under section 19 of the *Education Services for Overseas Students 200 Act*.
12. Fees for recognition of prior learning when using work and life experience as evidence will be the same as program registration fees, and concessions may apply. No fees apply for credit transfer.

4. Documentation

Canberra Institute of Technology Act 1987

Education Services for Overseas Student (ESOS) Act 2000

Standards for Registered Training Organisations (RTOs) 2015

Higher Education Standards Framework – (Threshold Standards)

CIT Pathways

Student policies on CIT Website

Assessment Policy

Teacher Qualifications, Experience & Increments Policy

Awards and Academic Advice Policy

Academic Appeals Policy

Fees Policy

Staff policies on Staff Intranet Site

Staff Studying at CIT Policy

Skills Recognition “The Facts How to Apply” Brochure

5. Definitions

All terminology used in this policy is consistent with definitions in the CIT Policy Glossary.

6. Contact

For more information regarding this policy contact Director, Education Services.

7. Procedures

This policy is implemented through the associated procedures. Authority to make changes to the procedures rests with the policy owner.

Policy Name	Privacy Policy – Territory Privacy Principles
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Purpose

This policy sets out how CIT manages personal information when performing its functions and activities, and establishes a framework to ensure that all personal information collected, held, used or disclosed by CIT is done in accordance with the requirements under the *Information Privacy Act 2014* and any other applicable laws.

Scope

This policy covers all operations and functions of CIT including the management and disclosure of personal information collected and/or held by CIT of employees, students, contractors, sub-contractors, service providers, customers, agents or any other parties.

Definitions

Personal Information is defined in section 8 of the *Information Privacy Act 2014* and essentially means information or an opinion (true or not) about an identified individual, or an individual who is reasonably identifiable. The information or opinion may be recorded in a material form or not. Personal Information does not include personal health information.

Personal health information is defined in section 8 of the *Information Privacy Act 2014* and has the same meaning as in the *Health Records (Privacy and Access) Act 1997*. It includes any personal information, whether or not recorded in a health record relating to the health, an illness or a disability of the consumer. Personal health information is managed in accordance with the *Health Records (Privacy and Access) Act 1997*.

Sensitive Information is defined in section 14 of the *Information Privacy Act 2014* and essentially means personal information that is about a person's racial or ethnic origin; political opinions; religious beliefs or affiliations; philosophical beliefs; membership of a political association, professional or trade association, or trade union; sexual orientation or practices; or criminal record. Sensitive information also includes genetic information and certain biometric information and biometric templates. Sensitive information is a form of personal information.

Academic information refers to information about a student's academic progress or academic status (assessment results, subject grades and qualification eligibility) and attendance. Academic information is a form of personal information.

Territory Privacy Principles

There are 13 Territory Privacy Principles (TPPs) contained in schedule 1 of the *Information Privacy Act 2014* that regulate the management of personal information by ACT public sector agencies. They set out standards, rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information).

Principles

1. CIT is committed to protecting the personal information of its future, current and past staff, students and other industry and business partners.
2. The specific legal obligations of CIT when collecting and handling personal information are outlined in the *Information Privacy Act 2014* and in particular in the Territory Privacy Principles found in Schedule 1 of that Act.
3. This policy is made in accordance with Territory Privacy Principle 1.3 of the *Information Privacy Act 2014*.
4. The purposes for which CIT collects, holds, uses and discloses personal information:
 - 4.1 CIT collects, holds, uses and discloses personal information for the purposes of achieving its functions and activities.
 - 4.2 The following is relevant legislation under which CIT carries out its functions and activities:
 - *Canberra Institute of Technology Act 1987 (ACT)*
 - *Education Services for Overseas Student Act 2000 (Cth)*
 - *Health Records (Privacy and Access) Act 1997 (ACT)*
 - *Higher Education Support Act 2003 (Cth)*
 - *Information Privacy Act 2014 (ACT)*
 - *National Vocational Education and Training Regulator Act 2011 (Cth)*
 - *Public Sector Management Act 1994 (ACT)*
 - *Safety, Rehabilitation and Compensation Act 1988 (Cth)*
 - *Student Identifiers Act 2014 (Cth)*
 - *Territory Records Act 2002 (ACT)*
 - *Working with Vulnerable People (Background Checking) Act 2011 (ACT)*.
 - 4.3 CIT's functions and activities include:
 - conducting an educational institute to foster excellence in study in the field of technical and further education;
 - providing courses and programs to advance and develop knowledge and skills in the fields of technical and further education, including administering Commonwealth funding such as VET FEE-HELP;
 - supporting and assisting in the development of industry and commerce;
 - promoting the development of community awareness and appreciation of technical and further education;
 - conferring awards to people who have completed courses;
 - conferring honorary awards;
 - consulting and cooperating with other entities in relation to the provision of technical and further education;
 - handling freedom of information (FOI) applications and reviews;
 - handling privacy complaints;

- communication with the public, stakeholders and the media including through websites and social media; and
 - engaging and administering employees and contractor.
- 4.4 CIT will not use personal information for a secondary purpose or disclose personal information to other government agencies, private sector organisations or anyone else without written consent (for reporting and legislative requirements this is obtained at enrolment), unless an exception applies (see paragraph 7.8 of this policy).
5. Kinds of personal information collected and held:
- 5.1 CIT collects and holds information about future, current and past students and future, current and past employees.
 - 5.2 CIT will collect personal information where that information is reasonably necessary for, or directly related to, one or more of its functions or activities.
 - 5.3 CIT tries to only collect the minimum information that it needs. The kinds of personal information collected and held may include:
 - 5.3.1 name, address and contact details (such as phone and email);
 - 5.3.2 information about identity (such as date of birth, country of birth, passport details, visa details, drivers licence, and educational qualifications);
 - 5.3.3 information about personal circumstances (such as age, gender, marital status and occupation);
 - 5.3.4 evidence of registration with the *Working with Vulnerable People (Background Checking) Act 2011*;
 - 5.3.5 information about financial affairs (such as payment details, bank account details, and information about business and financial interests);
 - 5.3.6 information about employment (such as applications for employment, work history, referee comments and remuneration);
 - 5.3.7 information about assistance provided under our assistance arrangements.
 - 5.4 CIT may be required to collect personal health information about students or staff. Personal health records are managed in accordance with the *Health Records (Privacy and Access) Act 1997*.
 - 5.5 CIT will not collect any personal information it does not need.
6. How CIT collects personal information:
- 6.1 CIT will only collect information by lawful and fair means.
 - 6.2 The main way CIT collects personal information is when it is provided by the person, which can be collected by CIT in various ways, such as, through paper or online forms, in correspondence, email, over the telephone and by fax
 - 6.3 Personal information can also be collected from a third party. For example, if the person consents to their personal information being collected from someone other than themselves; where the collection of information is required or

authorised by or under an Australian law, a court or tribunal; or if it is unreasonable or impracticable for CIT to obtain information from the person.

- 6.4 CIT will not collect sensitive information (such as sexual identity or criminal history information) unless the person consents to the collection of that information and the information is reasonably necessary and directly related to one or more of CIT's functions and activities. For example, some CIT courses require police checks such as nursing; and the Children's Services require background checks for registration under the *Working With Vulnerable People (Background Checking) Act 2011*. Also, all new staff are required to undertake a police check before commencing employment.
- 6.5 CIT may collect sensitive information without the person's consent if it is required or authorised by or under an Australian law, or court or tribunal order. Territory Privacy Principle 3.4 also provides other basis on which collection of sensitive information is authorised, for example, if it is necessary to prevent a threat to the life, health or safety of one or more persons, or to public health or safety.
- 6.6 Generally when a person deals with CIT (for example when calling on the phone to make an enquiry, that person may remain anonymous or use a pseudonym (a made up name). However, in some situations CIT will require personal information to provide services or assistance.
- 6.7 Personal details and identification are required from all people seeking to enrol into a CIT course.
- 6.8 Where CIT collects personal information: it will at or before that time; or as soon as it is practicable after, provide the person with the following information required under the *Information Privacy Act 2014*:
 - 6.8.1 How to contact CIT.
 - 6.8.2 The circumstances in which CIT collects personal information and when it is collected from someone else.
 - 6.8.3 The name of any law that requires CIT to collect that personal information.
 - 6.8.4 The purposes for which CIT collects the information and the circumstances in which the information is being or has been collected.
 - 6.8.5 The effect (if any) if CIT cannot collect the information.
 - 6.8.6 The details of any entities or types of entities to which CIT usually discloses the personal information of the kind collected.
 - 6.8.7 How to access the CIT Privacy Policy that explains how personal information is handled and how CIT deals with complaints about personal information.
 - 6.8.8 Whether CIT is likely to disclose the personal information to overseas recipients; and if so, the countries in which such recipients are likely to be located if it is practicable to specify those countries
- 6.9 Certain information is collected when people visit the CIT website or social media sites. This is detailed in the website [privacy statement](#) available on the CIT website. No personal information is collected in this way unless it is voluntarily provided through participation in an activity that asks for information such as:

sending an e-mail; participating in a survey; or undertaking a payment or other transaction.

7. How personal information is held and the purposes for which it is disclosed:

- 7.1 CIT is required to take reasonable steps to ensure that personal information it holds is safe and secure.
- 7.2 CIT strives to protect personal information from misuse, interference or loss and from unauthorised access, modification or disclosure in accordance with the *Information Privacy Act 2014*.
- 7.3 The *Territory Records Act 2002* establishes frameworks for the management of personal information if it is held within the files or data systems of CIT.
- 7.4 CIT IT systems employ comprehensive protections to guard against unauthorised access.
- 7.5 All paper-based files are stored safely and securely.
- 7.6 All sensitive information collected and held by CIT is stored securely in confidential files with restricted access.
- 7.7 As a part of CIT's general practice, personal information is only available to staff who need access to personal information to perform their roles.
- 7.8 Personal information will not be disclosed to a third party for a secondary purpose without first having obtained the person's written consent, unless permitted by the *Information Privacy Act 2014*. Such permitted circumstances include the following circumstances:
 - 7.8.1 The person would reasonably expect CIT to use or disclose the information for another (secondary) purpose that is related to the original purpose for which the information was collected; or in the case of sensitive information is directly related to the primary purpose.
 - 7.8.2 The use or disclosure of information is required or authorised by or under an Australian law, or court or tribunal order. For example: to fulfil mandatory reporting requirements under the *Children and Young People Act 2008* for people up to the age of 18.
 - 7.8.3 The use or disclosure is reasonably necessary for enforcement related activities (such as prevention, detection, investigation prosecution or punishment of criminal offences or breaches of the law, or the protection of public revenue) of the enforcement bodies (such as AFP, police, DPP, or other body responsible for administering or exercising a function under a relevant law).
 - 7.8.4 It is unreasonable or impracticable to obtain the person's consent and CIT reasonably believes that use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
 - 7.8.5 CIT has reason to suspect unlawful activity, or misconduct of a serious nature that relates to its functions or activities and reasonably

believes that use or disclosure of the personal information is necessary to take appropriate action.

7.8.6 CIT believes that the use or disclosure is reasonably necessary to help locate a person who has been reported as missing.

7.9 Personal information obtained by CIT that does not become a territory record under the *Territory Records Act 2002* will be securely destroyed as soon as practical.

8. Disclosure of personal information overseas

8.1 CIT does not routinely disclose personal information overseas.

8.2 Where CIT discloses personal information to an overseas recipient, under Territory Privacy Principle 8.1 CIT is required to take reasonable steps to ensure that the overseas recipient does not breach the Territory Privacy Principles.

8.3 Territory Privacy Principle 8.2 provides for circumstances where CIT is not required to follow steps under Territory Privacy Principle 8.1, for example, where disclosure is required or authorised by or under an international agreement relating to information sharing, and Australia is a party to that agreement; or where CIT believes that the disclosure is reasonably necessary for enforcement of related activities by an enforcement body and the overseas recipient's functions are similar to those of an enforcement body.

9. Access to and correction of personal information:

9.1 CIT staff and students may update or amend their personal information online at any time. CIT Student Services can assist with this if required.

9.2 A person has the right to request access to their personal information held by CIT, and to request that their personal information be corrected. This is provided for under the *Information Privacy Act 2014* and the *Freedom of Information Act 1989*.

9.3 Access to personal information will be provided if it is reasonable and practicable to do so. However, access may not be given where CIT is required or authorised by law to refuse access, such as, under an exception in the *Freedom of Information Act 1989*.

9.4 CIT will not charge any fees for making the request or providing access to personal information or correcting personal information.

9.5 CIT can refuse to correct the personal information, but it will take reasonable steps to correct the information to ensure that, having regard to the purposes for which it is held, it is accurate, up-to-date, complete, relevant and not misleading.

9.6 CIT will respond to a request for access to, or correction of, personal information within 30 days, and if the request is refused it will give written notice of its reasons for refusal, and state what further steps the person can take after the refusal.

10. How to make a complaint

- 10.1 Complaints about how CIT has managed personal information will be dealt with through the *CIT Resolving Workplace Issues Policy* (for staff) or the *CIT Complaints Policy – Student and Community Members*.
- 10.2 Complaints should be made in writing to the Privacy Contact Officer at the contact details below. CIT is also able to assist with the lodgement of a complaint if required.
- 10.3 CIT will promptly acknowledge receipt of all complaints and seek to satisfactorily resolve each matter within in a timely way.
- 10.4 A review by a more senior CIT officer may be requested if the complainant is not satisfied with the outcome or a formal privacy complaint can be made to the Information Privacy Commissioner under section 34 of the *Information Privacy Act 2014*.
- 10.5 Complaints about possible interference with privacy should be made to CIT in the first instance. If they are not resolved resolved by CIT, privacy complaints may be taken to the Information Privacy Commissioner in accordance with section 34 and 35 of the *Information Privacy Act 2014* if it is about a breach of the Territory Privacy Principles.
- 10.6 The role of the Information Privacy Commissioner is currently performed by the Australian Information Commissioner, which is an independent body that will decide whether to deal with a complaint and can consider whether there has been an interference with privacy. If a complaint is upheld by the Commissioner it may be possible to seek a remedy in the Magistrates Court.
- 10.7 More information about making a complaint to the Office of the Australian Information Commissioner can be found on its website www.oaic.gov.au or by calling 1300 363 992.

All inquiries regarding privacy should be made to the Privacy Contact Officer by:

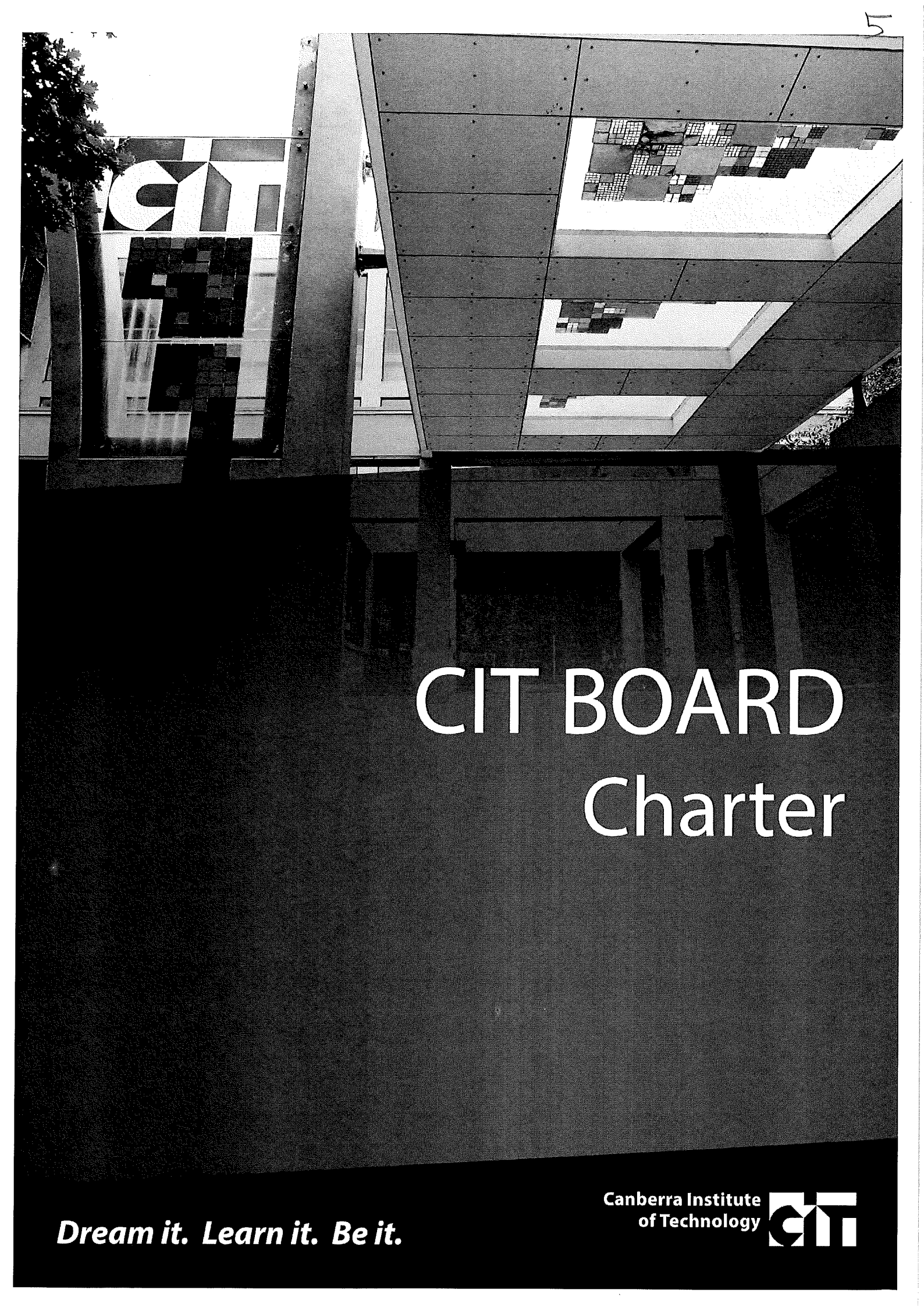
Email: CITPeopleandGovernance@cit.edu.au

Phone: 02 6207 3356

Post: CIT Privacy Contact Officer
People and Organisational Governance
CIT Reid
GPO BOX 826 Canberra ACT 2601

Documentation

Legislation	<i>Board of Senior Secondary Studies Act 1997 (ACT)</i> <i>Canberra Institute of Technology Act 1987 (ACT)</i> <i>Children and Young People Act 2008 (ACT)</i> <i>Education Services for Overseas Student Act 2000 (Cth)</i> <i>Freedom of Information Act 1989 (ACT)</i> <i>Health Records (Privacy and Access) Act 1997 (ACT)</i> <i>Higher Education Support Act 2003 (Cth)</i> <i>Human Rights Act 2004 (ACT)</i> <i>Information Privacy Act 2014 (ACT)</i> <i>National Vocational Education and Training Regulator Act 2011 (Cth)</i> <i>Public Sector Management Act 1994 (ACT)</i> <i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i> <i>Student Identifiers Act 2014 (Cth)</i> <i>Territory Records Act 2002 (ACT)</i> <i>Working with Vulnerable People (Background Checking) Act 2011 (ACT)</i>
Related Documents	CIT Resolving Workplace Issues Policy (Staff) CIT Complaints Policy – Student and Community Members
Supporting Guide	



CIT BOARD Charter

Dream it. Learn it. Be it.

Canberra Institute
of Technology



CIT BOARD CHARTER (October 2015)

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INTRODUCTION

Governance of territory authorities is regulated by the Financial Management Act 1996 (FMA) and many such elements of the operation of a governing board established under territory legislation are provided for in the FMA. Appropriate references to the FMA requirements are outlined in this Charter.

The Canberra Institute of Technology is a territory authority established under the Canberra Institute of Technology Act 1987 Act (CIT Act). The CIT Governing Board (the Board) is also established under the CIT Act.

1. Role of the Board

The functions of the Board are prescribed in section 77 of the FMA and are:

- setting CIT's policies and strategies;
- governing CIT consistently with the authority's establishing Act and other relevant legislation;
- ensuring, as far as practicable, that CIT operates in a proper, effective and efficient way; and
- ensuring, as far as practicable, that CIT complies with applicable governmental policies (if any).

2. Board Membership

Sections 10-12 of the CIT Act and Part 9 of the FMA prescribe the requirements for appointment to the Board. The provisions of Part 9 of the FMA also cover a broad range of other matters relevant to being a member of the Board including, but not limited to:

- the functions of Chair, Deputy Chair and CEO;
- the ending of Board member appointments;
- protection of Board members from liability; and
- indemnification and exemption of Board members.

3. Conduct of Members

3.1 Roles and responsibilities of members

Board members agree to:

- be prepared for meetings by reviewing meeting papers in advance to ensure comprehensive understanding of agenda items;
- act honestly, in good faith and in the best interests of CIT;
- demonstrate care and diligence in fulfilling functions and exercising powers;
- keep abreast of best practices in corporate governance and implement such practices as are appropriate for CIT;
- demonstrate independent judgement and actions and take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Board.

3.2 Code of conduct

Board members who are employed under the Public Sector Management Act 1994 (PSM Act) are subject to the provisions of Section 9 of the PSM Act – the ‘ACTPS Code of Ethics’. Other Board members have agreed on appointment to act in accordance with the provisions of Section 9 of the PSM Act.

3.3 Conflict of interest

Section 86 of the FMA requires that a Board member must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the member’s functions.

3.4 Disclosure of interest

In accordance with section 87 of the FMA, the agenda for each Board meeting must include an item requiring any material interest in an issue to be considered at the meeting to be disclosed to the meeting. Section 88 of the FMA sets out the procedures to be followed in relation to a disclosure of interest by a member and also includes a definition of the key terms, *material interest* and *indirect interest*:

a governing board member has a **material interest** in an issue if the member has –

- (a) a direct or indirect financial interest in the issue; or
- (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the member’s functions in relation to the board’s consideration of the issue.

3.5 Confidentiality

Members must ensure that issues discussed at Board meetings and opinions expressed at meetings remain confidential. Members should not circulate the Board papers beyond other Board members.

Section 23 of the CIT Act ‘Offences – use or divulge protected information’ applies to members of the Board.

3.6 Use of a Proxy

Members of the Board are appointed either as an individual or as a position (such as Director-General). For this reason Members unable to attend a meeting are not permitted to send a proxy in their place to participate in the meeting or decision-making of the CIT Board.

4. Meetings

4.1 Frequency and location

The Board meets as required and in accordance with section 93 of the FMA it must meet at least once every 3 months. The Chair may call a meeting at any time and must call a meeting if asked by the Minister or at least 2 Board members.

The Chair must give members a minimum of five working days notice of the time and place of a meeting called by the Chair.

Members will be advised of the location of a Board meeting, where possible, at the previous meeting of the Board.

4.2 Meeting papers

The Chair of the Board is responsible for setting the agenda, in consultation with the CIT Chief Executive Officer, and Members may submit items for consideration by the Chair to be included in the meeting agenda. Members are free to raise issues at Board meetings through other business.

Meeting papers are prepared and collated by the Secretariat and circulated to all Board members at least five working days prior to Board meetings. Minutes of meetings, cleared by the Chair, will be prepared and provided to Board members as draft minutes no later than ten working days after a meeting. Minutes will then be formally endorsed at the following meeting.

4.3 Quorum and voting

Section 95 of the FMA requires that at least half the number of members appointed must be present for business to be carried on. If a vote is needed, section 96 of the FMA provides that:

- each member present has a vote on each question to be decided; and
- a question is decided by a majority of the votes of the members present and voting. If the votes are equal, the member presiding has the deciding vote [note - member presiding is the Chair of the meeting].

4.4 Out of session papers

Where possible all decisions will be made at Board meetings and formally recorded in the minutes of that meeting.

When the Chair determines that urgent matters require the Board's approval between meetings members will be provided with a paper and the decision sought. Members will be given a minimum of five working days to consider the paper.

Approval of out of session papers or decisions will require support from a majority of the Board membership, evidenced by the members' signatures, which may include electronic signatures, or email confirmation sent from an authorised email account.

Decisions made out of session will be formally recorded in the minutes of the next scheduled Board meeting.

5. Sub Committees

The Board may establish sub-committees from time to time to more effectively deal with complex or specialised issues. Membership of sub-committees may consist of all Board members or a combination of expertise through external participation as required. However, all Board sub-committees must have at least one Board member.

An independent audit committee is fundamental to good corporate governance. The Board shall establish an independent Audit, Risk and Finance Committee. Membership of the Audit, Risk and Finance Committee shall consist of one Board member and at least two external members. The Chair and the Deputy Chair of the Board are not permitted as members of the Audit, Risk and Finance Committee. The Audit, Risk and Finance Committee shall be regulated by its own Charter which sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

6. Board Secretariat

Secretariat and support work for the Board is provided by the Executive Director, People and Organisational Governance and the Senior Manager, Governance and Ministerial Support. The functions of the Secretariat are to:

- provide support services for meetings of the Board (and where required for meetings of Board committees), including preparation of minutes, in accordance with the item 4.2 above and any other Board agreed requirements
- co-ordinate the provision of advice to the Board and decisions from the Board, where relevant
- co-ordinate the drafting of all correspondence, letters of advice and other material
- co-ordinate research on issues being considered
- ensure that statutory obligations such as legal notifications are met
- ensure timely payment of remuneration and other administrative arrangements for Board members, where relevant.

Election Rules - Student Member Canberra Institute of Technology Governing Board

Introduction

These rules are made under section 10 of the *Canberra Institute of Technology Amendment Act 2014* (CIT Amendment Act) to govern the conduct of elections required under the CIT Amendment Act for the election of a student member for the CIT Governing Board. These regulations may not be altered from the time nominations open until the result of the election is officially declared.

The election

An election of a student member for the CIT Governing Board is to be held when a vacancy for this position arises or the term of appointment expires. The CIT Amendment Act establishes the CIT Governing Board from 1 July 2015. This is the first election for this position. An appointment to the CIT Governing Board is made under section 8 of the CIT Amendment Act.

Term of office

The term of office for the student elected member will be one year.

The Returning Officer

The Returning Officer for the elections is the CIT Executive Director People and Organisational Governance. The Returning Officer must not be a candidate at the election. The Returning Officer may, in writing, delegate any powers or responsibilities to any person or organisation other than a candidate.

Nominations

Eligibility to nominate is pursuant to section 10 (2) of the CIT Amendment Act.

The student member must:

- be a currently enrolled student at CIT in a course of a minimum two semester duration;
- not be a CIT staff member;
- be prepared to comply with the basic legal requirements under the *Financial Management Act 1996* and other applicable legislation including the *Canberra Institute of Technology Act 1987* and the *Privacy Information Act 2014*;
- be prepared to act in accordance with the ACTPS Code of Conduct; and
- agree to fulfilling the roles and responsibilities of the student Board member at Attachment A, including committing to adequate preparation and attendance at all Board meetings.

Call for nominations/notice of election

The Returning Officer must notify CIT students of the election and call for nominations at least 2 weeks before the election. Nominations will close at least 5 days before the election.

The call for nominations must state:

- which position is vacant;
- the eligibility criteria for students wishing to stand;
- details of how nominations may be lodged;
- the date and time for the opening and closing of nominations; and
- details of how and when polling is to be conducted.

The notice of election and call for nominations will be communicated to CIT students by email. Call for nominations for students may also be promoted through the CIT website, the Student Notice on MyCIT, the CIT Student Association website, posters on notice boards, and on student desktops and plasma screens across CIT campuses.

Submission of nominations

Nominations must:

- be submitted to the Returning Officer or their delegate;
- be made in writing on the official nomination form available on Elearn and must include a head and shoulders photograph and a statement of claims of no more than 250 words;
- be confirmed by the Returning Officer; and
- be submitted during the period when nominations may be lodged.

All statements provided can be edited at the discretion of the Returning Officer to ensure no defamatory material is included. No dispute will be entered into regarding the decision of the Returning Officer. All valid nominations will be published on Elearn.

Where the Returning Officer determines that a nomination submitted during the nominations period is not valid the Returning Officer must:

- make a reasonable attempt to contact the candidate as soon as practicable and inform him/her that the nomination is not valid; and
- if the nomination may be corrected to make it valid, inform the candidate that he/she may remedy the nomination and resubmit it to the Returning Officer prior to the close of nominations.

Nominations may be withdrawn by the nominee any time up until the close of nominations,

A notice listing the candidates will be made available on Elearn after the close of nominations.

If the number of candidates validly nominated is less than or equal to the number required to be elected, an election is not required, and all nominated candidates are to be declared elected.

If the number of candidates nominated is greater than the number required to be elected, the Returning Officer must conduct an election.

All nominations, valid and invalid, must be kept by the Returning Officer in a secure place in accordance with the ACT Government Records Disposal Schedules.

Voting

Voting at the election will be by a secure online system conducted through the CIT Elearn Platform. Voting will be open for at least seven days.

The Returning Officer or their delegate will ensure that procedures are in place to:

- limit each eligible voter to voting no more than once; and
- ensure that the way in which any voter makes their vote is not revealed, either when that member votes or at any later stage.

Eligibility to vote

An enrolled student at the date of election is eligible to vote for the student member.

Each eligible voter is entitled to a single vote for their preferred candidate. Preferences will not be recorded.

Electronic Ballot Paper (Voting Portal)

The Returning Officer or their delegate must arrange for preparation of the candidates on the Elearn portal.

The position of candidate's names on the voting portal will be drawn by lot. Each candidate may appoint a scrutineer to observe the Returning Officer or their delegate drawing for positions on the voting portal.

The electronic ballot paper must contain the following words:

- The Canberra Institute of Technology
- Election for CIT Governing Board
- Election of one student member
- Mark one candidate of your choice.

Election Outcome

The system of deciding the election outcome will be "first past the post". This means the candidate with the highest number of votes will be declared the successful nominee. Election outcomes may be used to fill a casual vacancy as described on page 4.

The Returning Officer must, as soon as practicable after the close of polling, arrange for confirmation of the votes.

The votes will be collated electronically.

The Returning Officer or their delegate must determine whether or not each vote is valid in accordance with these rules.

The election outcome may be reviewed at the discretion of the Returning Officer.

Declaring the results

At the conclusion of the election the Returning Officer or their delegate will prepare a report detailing:

- the results of the election;
- the number of votes received by each candidate; and
- any other relevant information that may assist CIT.

The Returning Officer will submit the report to the CIT Chief Executive and the Minister for Education and Training. Following this, the Returning Officer will advise each candidate in writing of the results of the election.

Destruction of voting information

All voting information is stored in a secure data base and managed in accordance with the CIT Privacy Policy. The data base will be kept until the next election. Access to the database is restricted to the Returning Officer and their delegate.

Disputes

Any candidate may dispute the results of the election in writing, setting out the details of the dispute, within 7 days of the election.

Disputes will be considered by the Returning Officer. The Returning Officer will consider any application disputing an election result and shall:

- declare the election void and order that a fresh election must be held; or
- declare that a person who has been declared elected was not elected and declare that person who has not been elected was elected; or
- declare that the original election result is confirmed.

Casual vacancies

A casual vacancy occurs when an elected member ceases being a member before the expiration of the full term of appointment. Any casual vacancy may be filled by the candidate with the next highest count of votes, where possible. If this is not possible another election must be held.

7 April 2015

ATTACHMENT A

CIT Governing Board Student Member - Roles and Responsibilities

The CIT Governing Board is established under the *Canberra Institute of Technology Amendment Act 2014* (the CIT Amendment Act).

The Board consists of at least 9 and no more than 11 members which includes an elected staff member and student member, the CIT Chief Executive Officer, a member from each portfolio responsible for education and training and economic development and up to six non-elected members with experience and expertise in business and industry, social policy, finance and digital technology.

Board membership is defined in sections 8-11 of the CIT Amendment Act and appointments are made under section 8 by the ACT Government Minister for Education and Training.

All Board members are required to take reasonable steps to place themselves in a position to guide and monitor the management of CIT and must comply with the basic legal requirements under the *Financial Management Act 1996* and other applicable legislation including the *Canberra Institute of Technology Act 1987* and the *Privacy Information Act 2014*.

All Board members must:

- ☐ be prepared for meetings by reviewing meeting papers in advance to ensure comprehensive understanding of agenda items
- ☐ attend activities across CIT to increase knowledge of CIT functions and facilities
- ☐ act honestly, in good faith and in the best interests of the CIT
- ☐ demonstrate care and diligence in fulfilling functions and exercising powers
- ☐ keep abreast of best practices in corporate governance and implement such practices as are appropriate for CIT
- ☐ use authority and available resources and information only for the work-related purpose intended
- ☐ recognise that the Board's primary responsibility is to meet its statutory obligations, including the functions prescribed in section 5 of the CIT Amendment Act, and any the goals and targets agreed with the responsible Minister
- ☐ demonstrate independent judgement and actions and take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Board.

For further information contact the Executive Director, CIT People and Organisational Governance, on 6207 3133.

