

Our reference: CIT FOI 2024–007

[REDACTED]

By email: [REDACTED]

DECISION ON YOUR ACCESS APPLICATION – CIT FOI 2024-007

Dear [REDACTED],

I refer to your access application made under the *Freedom of Information Act 2016* (FOI Act) which was received by the Canberra Institute of Technology (CIT) on 6 December 2024 (enclosed as Attachment A).

In your application you requested access to the following information:

“I would like to request information regarding the number of Notice of Preliminary Assessments issued by CIT on a yearly basis over the past 5 years.”

Authority

I am a Senior Executive officer appointed as a CIT Information Officer to make decisions about access to government information, in accordance with section 18 of the FOI Act.

Timeframes

In accordance with section 40 of the FOI Act, CIT has 30 working days to respond to your access request. As your request was received on 6 December 2024, and accounting for public holidays, the due date for this request is 14 January 2025.

Document Search

A search of records held by CIT were undertaken to identify and locate any documents within scope of your access request. These searches were conducted electronically and included a review of all files held in TRIM.

Outcome of Document Search

In accordance with the *ACT Public Sector Canberra Institute of Technology Enterprise Agreement 2023-2026* and similarly under previous enterprise agreements, when a workplace issue arises, the appropriate manager must undertake an assessment to determine whether the matter can be resolved locally and if further action is required. This process is known as a ‘preliminary assessment’. A preliminary assessment under the Enterprise Agreement does not have a prescribed form.

Since 2023, CIT has adopted a centralised approach to preliminary assessments in circumstances where the appropriate manager requests assistance from the CIT People and Culture branch. Under this model, People and Culture sends a 'Notice of Preliminary Assessment' informing the individual of CIT's intention to undertake a preliminary assessment. This notice outlines the identified workplace issues and advises a representative from People and Culture will attend any meetings conducted as part of the preliminary assessment process. This centralised process does not prevent CIT managers from conducting preliminary assessments independently of People and Culture. In such cases, a 'Notice of Preliminary Assessment' may or may not be provided to the individual involved.

The below table describes the number of Notices of Preliminary Assessments supported by the People and Culture Branch over the last five years:

Year	Number of Notices of Preliminary Assessments
2024	4
2023	6
2022	<i>No records held by CIT</i>
2021	<i>No records held by CIT</i>
2020	<i>No records held by CIT</i>

As Preliminary Assessments were not managed centrally prior to 2023, the numbers of Notices of Preliminary Assessments in their current format are not held for the years 2022, 2021 and 2020.

Decision

I have decided to release the information identified by CIT as within the scope of your access request in full. My reasons for this decision are outlined below.

Statement of Reasons

In reaching my decision on your access application, I have taken the following into account:

- Your original access application.
- The FOI Act.
- The ACT Ombudsman FOI Guidelines
- The documents and information which fall within the scope of your request.

As a decision maker I am required to decide if release of the documents found to be within the scope of your request are within the public interest. Schedule 1 of the FOI Act provides categories of documents where release is not considered to be in the public interest. On reviewing the documents and information within the scope of your request, I do not consider that any of these documents and information falls within the categories prescribed under schedule 1 of the FOI Act.

As I am not satisfied that any of the documents within the scope of your request are exempted from release in accordance with Schedule 1 of the FOI Act, I am required to consider the factors favouring disclosure and non-disclosure as found in Schedule 2.

Section 17(1) of the FOI Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. Taking into consideration the information contained in the documents, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure:

I consider that the following factors favouring disclosure apply in relation to these documents.

- promote open discussion and accountability (section 2.1 (a)(i)).

I consider the information requested would, on balance would promote open discussion and accountability as the information requested provides insight into the management of workplace values and behaviours at CIT.

Factors favouring non-disclosure:

I have not identified any factors in favour of non-disclosure.

Consideration of Factors

Taking into account the factors favouring disclosure and factors favouring non-disclosure and having undertaken the test under section 17 of the Act I consider that the factors favouring disclosure are of greater weight than the factors favouring non-disclosure. Accordingly, I have decided to fully release the information sought in your access request.

Charges

In accordance with section 104(4), no fees are applicable for this request as the total pages released is less than 50.

Disclosure Log

Section 28 of the FOI Act requires publication of access applications and any information subsequently released on CIT's disclosure log at:

[https://cit.edu.au/about/freedom of information/disclosure log](https://cit.edu.au/about/freedom%20of%20information/disclosure%20log).

In accordance with section 28(4) of the FOI Act, this decision letter and documents released will be published on the CIT disclosure log between 3 and 10 days of the date of this letter. Your personal information will be removed prior to publication.

Review Rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act. An application for review must be made in writing within 20 days of the date of my decision.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): actfoi@ombudsman.gov.au

Post: The ACT Ombudsman

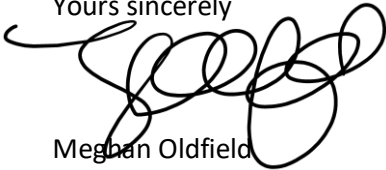
GPO Box 442

CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at:

<http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>.

Yours sincerely



Meghan Oldfield
Executive Director, Corporate Services
CIT Information Officer
8 January 2025