



Our references: CIT FOI 2022-003

By email:

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I refer to the access application made under the *Freedom of Information Act 2016* (FOI Act) which was received by the Canberra Institute of Technology (CIT) via email on 8 June 2022. This application sought access to the following:

"a copy of any meeting briefs, minutes and action items arising from CIT CEO and/or CIT Board's discussions with Minister Steel between March 2021 until present."

On



My access decision is detailed further in the following statement of reasons provided in accordance with section 54(2) of the FOI Act.

Statement of Reasons

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

- Your original access application.
- The documents that fall within the scope of your access application.
- The FOI Act.
- The ACT Ombudsman FOI Guidelines.
- Statements made by third parties identified for consultation.

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. As part of this process, I must consider the factors favouring d3.2(rin-9.489 -2.29o)-6. (s)-1.3 (t)-2.aeter25457 0 Td ()Tj /4481217 TD1010.Td [(FO)-4C 0.001esfactt efavo



Factors favouring non-disclosure

On 23 June 2022 the ACT Integrity Commission (the Commission) made a public announcement that it has commenced an investigation into “the circumstances surrounding the awarding of over \$8.5 million worth of consultancy contracts by the CIT to ThinkGarden and Redrouge Nominees Pty Ltd”. The Commission noted that the investigation will “ensure the integrity of [the] process”. On 24 August 2022, the Commission informed the Select Committee on Estimates 2022-23 that the investigation was ongoing, with more than one million documents needing to be reviewed and about 20 witness examinations needing to occur.

Having regard to the statement made by the Commission, the information contained in the documents subject to this request,



access to documents and potential witnesses. The ability for the Commission to obtain information that is not publicly available is a key enabler in determining if there has been wrongdoing in relation to the matter that is being investigated. I consider that releasing information within the scope of your request at this time would undermine the ability of the Commission to effectively discharge its law enforcement duties, impacting on its ability to investigate the circumstances and identify any issues in the awarding of the contracts. Accordingly, I give this factor very high weighting.

In addition to prejudicing law enforcement activities, I al-1.3 (1)-4.6 () (g) 2.6 (l) 4(iv28u2) 10.6 (e) v(A) 1.,w,ee



