

Why is ACT Education hiding information?

The ACT Department of Education and Training claims to be guided by values like transparency but – put to the test over Freedom of Information – it fails.

“The Department lacks transparency and is clearly denying information to the ACT community,” the CEO of Civil Liberties Australia, Bill Rowlings, said today.

“It is even trying to keep secret the evidence it tendered before a legal tribunal.

“It is clear that the department and the ACT Government are pursuing a path of freedom **from** information and not freedom **of** information,” he said.

CLA has been closely watching Freedom of Information (FOI) requests in 2006 and 2007 for the release of details on school closure decisions in the ACT, part of a high-profile, two-year community debate over access to information.

The ACT Opposition is appealing against the non-release of documents before a Full Bench of the Administrative Appeals Tribunal (AAT). The documents they are seeking are the government’s reasons for choosing which schools to close.

CLA asked the Education Department for a copy of the ACT Government’s own two-page *Statement of Facts and Contentions* which it has tendered to the AAT. But the Department has refused to release the evidence.

“The ACT Government’s approach to this significant test of its openness in government does not bode well for informed debate in other areas of community concern,” Mr Rowlings said.

“It sets a tone and pattern of behaviour that denies the people’s right to know – in this case, it is denying access to evidence put before a legal proceeding.”

The Department denied CLA’s FOI request by claiming its AAT evidence document was privileged because it had been “prepared for legal proceedings”.

“But the document has already been produced in proceedings and been given to third parties, so it should clearly be in the public domain – how the Department can even contend privilege applies is a mystery,” Mr Rowlings said.

“The Department is trying to frustrate and delay the community’s understanding of the basics of why schools were closed. If the Department cannot be transparent to parents, what example is it setting to students?” Mr Rowlings said.

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